

AGENDA
PLANNING COMMISSION REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, November 14, 2022 5:30 P.M.

1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Announcements
 - Director, Planning and Zoning Harmit Bedi introduction
5. Approval of the Agenda
6. Approval of the Minutes
 - Regular Meeting held Monday, September 12, 2022

PUBLIC HEARING

7. **ZA-C2300046:** Eastwood Homes of Georgia, LLC has petitioned a change of zoning condition for TMP 082 021; Located at 592 Hwy 53 West, with a city zoning of RPC (Residential Planned Community). Applicant is requesting a removal stipulation 1a and 1b of ZA-C9-00004 pertaining to Housing for Older Persons Act (fifty-five (55) years of age or older). Public Hearing Dates: Planning Commission on November 14, 2022, and City Council on December 5, 2022. City Council for a decision on December 19, 2022.
The applicant and staff are requesting postponing the consideration of the application to December 12, 2022 Planning Commission Meeting.
8. **VAR-C2300047:** SDH Atlanta, LLC has requested to reduce to one street access for Cornerstone Subdivision (TMP 084 004 and 084 005); Located at 1694 and 1768 Hwy 9 South. Public Hearing Date: Planning Commission on November 14, 2022.

PLANNING DIRECTOR REPORT

PLANNING COMMISSION REPORTS

The next scheduled Planning Commission meeting is Monday, December 12, 2022

Those persons with disabilities who require reasonable 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 Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.

MINUTES
PLANNING COMMISSION REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 12, 2022

1. **CALL TO ORDER:** Chairperson Randy Davis called the meeting to order at 5:30 p.m.
2. **ROLL CALL:** Present were Planning Commission Members Sandy Sawyer, Matt Fallstrom, Josh Nichols, Anna Tobolski, City Manager Bob Bolz, Councilmember Liaison Caleb Phillips, Interim Planning Director Diane Callahan, Zoning Administrative Assistant Stacy Harris.
3. **INVOCATION AND PLEDGE:** Bob Bolz led the Invocation and Pledge.
4. **ANNOUNCEMENTS:** None
5. **APPROVAL OF THE AGENDA:** Motion to amend the agenda, to move item # 9 (VAR-C2300013) ahead of item # 7 (ANX-C2200122) made by A. Tobolski; second by M. Fallstrom. Vote carried unanimously in favor. Motion to approve the agenda as amended made by M. Fallstrom; second by J. Nichols. Vote carried unanimously in favor.
6. **APPROVAL OF THE MINUTES:** Motion to approve the Regular Meeting minutes on Monday, June 13, 2022, made by S. Sawyer; second by A. Tobolski. Vote carried unanimously in favor.
7. **VAR-C2300013:** Paul Winschuh has requested a reduction in setbacks along the rear and side property lines for TMP 083 038 046, located at 375 Angela Lane. Public Hearing Date: Planning Commission on September 12, 2022.

Motion to open the public hearing made by J. Nichols; second by A. Tobolski. Vote carried unanimously in favor.

Chairperson Davis read the variance request and conducted the public hearing.

The following person spoke in favor of the request:

- Paul Winschuh, 375 Angela Lane, Dawsonville, GA – Mr. Winschuh stated that his lot is like a pie shape, very narrow in the back and is requesting an adjustment in the setbacks.

No one spoke in opposition of the request.

Motion to close the public hearing made by S. Sawyer; second by J. Nichols. Vote carried unanimously in favor.

Motion to approve VAR-C2300013 made by A. Tobolski, second by M. Fallstrom. Vote carried unanimously in favor.

8. **ANX-C2200122:** Jim Chapman Communities, Inc has petitioned to annex into the city limits of Dawsonville the 3-acre tract known as TMP 093 046 (tract 2), located at 922 Hwy 53 East, with a County Zoning of RSR (Residential Sub-Rural) to City Zoning R6 (Multiple-Family District). Public Hearing Dates: Planning Commission on September 12, 2022, and City Council on October 3, 2022. City Council for a decision on October 17, 2022.

Motion to open the public hearing made by J. Nichols; second by A. Tobolski. Vote carried unanimously in favor.

Chairperson Davis read the annexation request and conducted the public hearing.

MINUTES
PLANNING COMMISSION REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 12, 2022

The following person spoke in favor of the request:

- Joey Homans, 272 Hwy 9 South, Dawsonville, GA – Mr. Homans stated that he is counsel for Jim Chapman Communities, Inc. His client is seeking approval of this annexation, along with a rezoning of the property to R6 (Multiple-Family District). Mr. Homans also stated that this is a split parcel.

The following person spoke in opposition of the request:

- Kristin Loui, 340 Shepard Drive, Dawsonville, GA – Ms. Loui voiced her concerns about the school system are having trouble providing transportation and overcrowding. The traffic at the intersection of Hwy 53 East and Perimeter Rd and Perimeter Rd and Hwy 9 South is already congested.

Motion to close the public hearing made by M. Fallstrom; second by A. Tobolski. Vote carried unanimously in favor.

Motion to table the decision on the annexation until after the public hearing of item # 9 (ZA-C2200123) made by A. Tobolski; second by S. Sawyer. Vote carried unanimously in favor.

- 9. ZA-C2200123:** Jim Chapman Communities, Inc has petitioned a zoning amendment for TMP 093 043, 093 044, and 093 047; Located at 2120 Perimeter Road and 922 Hwy 53 East from R1 (Restricted Single-Family Residential District) to R6 (Multiple-Family Residential District). Public Hearing Dates: Planning Commission on September 12, 2022, and City Council October 3, 2022. City Council for a decision on October 17, 2022.

Motion to open the public hearing made by J. Nichols; second by A. Tobolski. Vote carried unanimously in favor.

Chairperson Davis read the zoning request and conducted the public hearing.

The following people spoke in favor of the request:

- Joey Homans, 272 Hwy 9 South, Dawsonville, GA – Mr. Homans stated that he is here on behalf of Jim Chapman Communities, Inc. His client is seeking approval of the rezoning request to R6 (Multiple-Family Residential District). The total acres, including the proposed annexation acres is 30.98, which includes the 3-acre tract of the proposed annexation (ANX-C2200122). He stated his client would like to build 195 rental units, with a density 5.74 per acre.
- Jim Chapman, 2700 Cumberland Pkwy Ste 130, Atlanta, GA – Mr. Chapman presented a design package with information on the proposed 195 rental units. Units will be managed on site. The proposed units are 2 bedroom / 2 baths or 3 bedroom / 3 baths with 1 or 2 car garage. Square footage for the units is between 1,025 to 1,421 square feet, with a current rental rate of \$2,000 - \$2,350 per month.

Motion to extend the public hearing for ten (10) minutes made by A. Tobolski; second by J. Nichols. Vote carried unanimously in favor.

MINUTES
PLANNING COMMISSION REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 12, 2022

Mr. Chapman continued his presentation on statistics regarding the demographic and amenities for the proposed project.

The following people spoke in opposition of the request:

- Kyle Coggin, 218 Shepard Drive, Dawsonville, GA – Mr. Coggin has concerns about the traffic and the size of the units.
- Jefferson Morgan, 30 Morrow Place, Dawsonville, GA – Mr. Morgan has more concern about the additional traffic, to the already congested traffic on Hwy 53 East and Perimeter Road and Hwy 9 South and Perimeter Road. He also stated concern over this project being rental units, as they might not be invested into the community and the overall density of this project in such a small area.
- Alyssa Stasi, 342 Mill Creek Drive, Dawsonville, GA – Ms. Stasi has concerns over the growth of Dawson County and the infrastructure cannot keep up.

Joey Homans, representing Jim Chapman Communities addressed the concerns of the people who spoke in opposition. Mr. Homans stated that the Planning Department had listed several recommended conditions and would like to discuss that further when the DRI review is completed. Mr. Homans stated that the site plan presented meets the zoning requirements and meets the comprehensive plan character area.

Motion to close the public hearing made by J. Nichols; second by S. Sawyer. Vote carried unanimously in favor.

Commission members A. Tobolski, M. Fallstrom, and R. Davis had questions for the Interim Planning Director D. Callahan, City Manager Bob Bolz and Mr. Homans regarding the comprehensive plan for the City of Dawsonville, Dawson County future land use, roads, entrances of the proposed site and infrastructure fees.

After discussion among the Planning Commission Members a motion to deny the ANX-C2200122 made by A. Tobolski; second by S. Sawyer. Vote carried unanimously in favor.

After discussion among the Planning Commission Members, a motion to deny the ZA-C2200123 made by A. Tobolski; second M. Fallstrom. Vote carried unanimously in favor.

PLANNING DIRECTOR REPORT: None

PLANNING COMMISSION REPORTS: Chairperson R. Davis announced that the next Planning Commission Meeting is Monday, October 10, 2022.

ADJOURNMENT: S. Sawyer motion to adjourn the meeting at 6:31 p.m.; second by J. Nichols. Vote carried unanimously in favor.

**MINUTES
PLANNING COMMISSION REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, September 12, 2022**

Approved this 14th day of November 2022

Randy Davis, Commission Chairperson

Matt Fallstrom, Planning Commissioner Post 1

Josh Nichols, Planning Commissioner Post 2


Sandy Sawyer, Planning Commissioner Post 3

Anna Tobolski, Planning Commissioner Post 4

Attested: _____
Stacy Harris, Zoning Administrative Assistant



**CITY OF DAWSONVILLE
PLANNING COMMISSION
CASE ANALYSIS**

TO: The Chairman and Commission
DATE: November 14, 2022
FROM: Harmit Bedi, Director, Planning and Zoning 
SUBJECT: Application for:

1. Removal of a Pre-approved Stipulation
2. Revised Site Plan for Approval

Case Number: ZA – C2300046

The Department of Planning and Zoning Staff and the Applicant and its associates are working together on the above referenced application for its completeness. The staff supports the attached request (email) by the applicant.

Since a Public Hearing was advertised, the item stays on the Planning Commission Agenda. The details will be provided to the general public during the meeting while presenting the application/case.

If you have any questions, please call me.

Thank you.

Harmit Bedi

From: Scott Dozier [REDACTED]
Sent: Tuesday, November 8, 2022 11:15 AM
To: Harmit Bedi
Cc: Don Singer; Kristen Riley; Bob Bolz; Stacy Harris; Diane Callahan
Subject: RE: Application to Remove Stipulation and Revised Site Plan

Mr. Bedi and Dawsonville staff:

Per our conversation and outstanding issues that we agree need additional clarity, we believe it best to defer our Planning and zoning meeting to the December 12th meeting date. We want to work with staff to make certain that we are addressing all issues noted with completeness and clarity in our submission and address any concerns raised. We appreciate your offer to meet directly with us to make certain all issues are addressed.

Regards,

Scott D



built with care.

Scott Dozier

Division President

O 678-899-6459 [REDACTED]

Atlanta Division | 1000 Mansell Exchange W. Suite 350, Alpharetta, GA 30022

EastwoodHomes.com

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

To unsubscribe from our emails, please reply to this email and type "Unsubscribe."

From: [Harmit Bedi](#)
Sent: Monday, November 7, 2022 11:40 AM
To: [Scott Dozier](#)
Cc: [Don Singer](#); [Kristen Riley](#); [Bob Bolz](#); [Stacy Harris](#); [Diane Callahan](#)
Subject: Application to Remove Stipulation and Revised Site Plan
Importance: High

	<p>City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p>Zoning Amendment Application</p>
---	--	---

Application#: ZA C2300046

Applicant Name(s): GASTWOOD HOMES

Address: 1000 MANSELL EXCHANGE W #350 City: ALPHARETTA Zip: 30022

Cell Phone: [Redacted] Email: [Redacted]

Signature(s): Scott Dozier Date: 10/10/2022

Property Address: 592 HWY 53 WEST DAWSONVILLE GA 30534

Directions to Property from City Hall: TURN RIGHT ONTO HWY 53 WEST, AT THE TRAFFIC CIRCLE TAKE 1ST EXIT ONTO MAIN ST, CONTINUE ONTO HWY 53/JASPER ST. PROPERTY ON RIGHT.

Tax Map Parcel #: 082 021 Current Zoning: RPC

Land Lot(s): 379, 380, 487, 488 District: 4TH Section: 1ST

Subdivision Name: VILLAS AT DAWSONVILLE Lot#

Acres: 38.55 Current use of property: OPEN LAND PASTURE RESIDENTIAL

Has a past request of Rezone of this property been made before? YES If yes, provide ZA# C9-00004

The applicant request: CHANGE zoning condition
 Rezoning to zoning category: RPC Conditional Use permit for:

Proposed use of property if rezoned: RESIDENTIAL

Residential # of lots proposed: 90 Minimum lot size proposed: SEE CONCEPT (Include Conceptual Plan)

Amenity area proposed: YES, if yes, what WALKING PATH, GAZEBO, FIRE PIT

If Commercial: total building area proposed: N/A (Include Conceptual Plan)

Utilities: (utilities readily available at the road frontage): Water Sewer Electric Natural Gas

Proposed Utilities: (utilities developer intends to provide) Water Sewer Electric Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: HWY. 53 Type of Surface: PAVED

- ◆ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ◆ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.


DocuSigned by: Scott Dozier 10/10/2022
 Signature of Applicant Date

Office Use Only	
Date Completed Application Rec'd:	Amount Paid: \$ <u>811.14</u> <u>4374438</u> Cash CC
Date of Planning Commission Meeting:	Dates Advertised:
Date of City Council Meeting:	Rescheduled for next Meeting:
Date of City Council Meeting:	Approved by City Council: YES NO
Approved by Planning Commission: YES NO	Postponed: YES NO Date:



	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p align="center">Zoning Amendment Authorization</p>
---	---	--

Property Owner Authorization

I / We Adam Whitmire  hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 592 Hwy 53, Dawsonville GA, 082-021 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s), or entity(ies) 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 undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Scott Dozier

Printed Name of Applicant or Agent _____ DocuSigned by: _____

Signature of Applicant or Agent Scott Dozier Date 10/10/2022

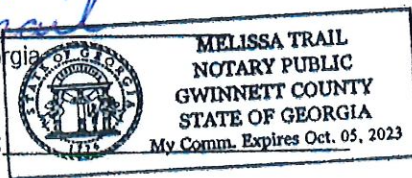
Mailing Address 1000 Mansell Exchange #950

City Alpharetta State Georgia Zip 30022

Sworn and subscribed before me on this

10 day of October 2022

Melissa Trail
Notary Public, State of Georgia



My Commission Expires:



City of Dawsonville

415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

**Zoning Amendment
Notice of R-A Adjacency**

Notice of Residential-Agricultural District (R-A) Adjacency

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

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

This notice and acknowledgement shall be public record.

[Signature]
Signature of Applicant / Representative of Applicant

10/11/22
Date

Sworn to and subscribed before me on this

11th day of October 2022

[Signature]

Notary Public, State of Georgia

My Commission Expires: 05-03-2026



Filed 12/13/2021 03:06PM
Bk 01548 Pg 0321-0324
Deed Doc: WD
Georgia Transfer Tax Paid :
\$1,350.00 0422021002686
Penalty: \$0.00 Interest: \$0.00
Participants: 1708697453
JUSTIN POWER, Clerk of Superior
Court
DAWSON County, Georgia

Please return to:
Gregory, Doyle, Calhoun, & Rogers, LLC
2951 Flowers Road S, Suite 220
Atlanta, Georgia 30341
File#: ARABC 210617

Parcel ID: 082 021

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF DEKALB

THIS DEED made this 30th day of **November, 2021**, between **PACIFIC CREST MANAGEMENT, LLC**, a Georgia limited liability company, referred to herein as the Grantor, and **SONG SPARROW LLC**, a Georgia limited liability company, referred to herein as the Grantee.

WITNESSETH:

That Grantor for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto Grantee the following described property:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

This conveyance is made subject to those matters set forth on Exhibit "B" attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee, Grantee's heirs, successors and assigns, forever, in Fee Simple.

AND THE SAID Grantor, for Grantor, Grantor's successors and assigns will warrant and forever defend the right and title to the above-described property, unto the said Grantee, Grantee's heirs, successors and assigns, against the lawful claim of all persons.

[signature appears on following page]

[signature page to Limited Warranty Deed]

IN WITNESS WHEREOF, the said Grantor has executed the indenture under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

PACIFIC CREST MANAGEMENT, LLC,
a Georgia limited liability company

By: *Chang Ho Park*
Chang Ho Park, Sole Member

(COMPANY SEAL)

[Signature]
Witness

[Signature]
Notary Public
My Commission Expires: 6/11/22

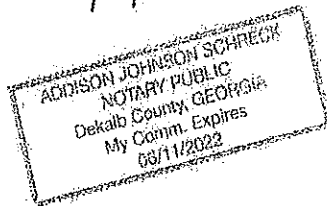


EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 379, 380, 437 and 438 of the 4th District, 1st Section of Dawson County, Georgia, being 38.58 acres, as per plat of survey for Russell Summerour and Cheryl Summerour, dated December 9, 2002, by J. A. Page, Jr., GRLS No. 894, and recorded in Plat Book 56, Page 193, Dawson County, Georgia Records, which recorded plat is incorporated herein and made a part hereof by reference.

LESS & EXCEPT:

All that tract or parcel of land lying and being in Land Lot 437 of the 4th District, 1st Section of Dawson County, Georgia, being a 0.035-acre tract as shown on survey for Dawson County by Owen Patton, GRLS No. 1324, dated March 23, 1981, and recorded in Plat Book 24, Page 229, Dawson County, Georgia Records, which recorded plat is incorporated herein and made a part hereof by reference.

Filed 12/13/2021 03:06PM
Bk 01548 Pg 0325-0328
Deed Doc: QCD
Georgia Transfer Tax Paid : \$0.00
0422021002687
Penalty: \$0.00 Interest: \$0.00
Participants: 1708697453
JUSTIN POWER, Clerk of Superior
Court
DAWSON County, Georgia

Please return to:
Gregory, Doyle, Calhoun, & Rogers, LLC
2951 Flowers Road S, Suite 220
Atlanta, Georgia 30341
File#: ARABC 210617

Parcel ID: 082 021

QUITCLAIM DEED

**STATE OF GEORGIA
COUNTY OF DEKALB**

THIS INDENTURE made this 30th day of **November, 2021**, between **PACIFIC CREST MANAGEMENT, LLC**, a Georgia limited liability company, referred to herein as the Grantor, and **SONG SPARROW LLC**, a Georgia limited liability company, referred to herein as the Grantee.

WITNESSETH:

That Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), cash in hand paid at or before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, convey, remise, release and forever QUIT CLAIM unto the said Grantee, all the right, title, interest, claim or demand which the Grantor may have had in and to the following described property:

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 4TH. District, 1st Section, in Land Lots 379, 380, 437 and 438, Dawson County, Georgia and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee, so that neither Grantor nor any other person claiming under Grantor shall at any time, claim or demand any right, title or interest to the said tract of land, or its appurtenances.

[signature appears on following page]

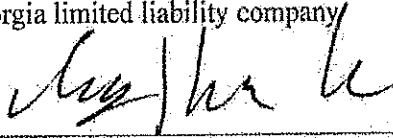
[signature page to Quitclaim Deed]


IN WITNESS WHEREOF, the said Grantor has executed the indenture under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

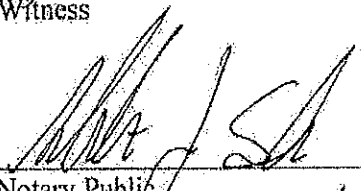
GRANTOR:

PACIFIC CREST MANAGEMENT, LLC,
a Georgia limited liability company

By: 
Chang Ho Park, Sole Member


Witness

(COMPANY SEAL)


Notary Public
My Commission Expires: 6/1/22

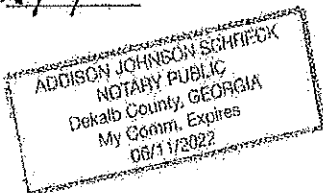


EXHIBIT "A"
LEGAL DESCRIPTION
[page 1 of 2]

All that tract or parcel of land lying and being in Land Lots 379, 380, 437 & 438 of the 4th District and 1st Section of Dawson County, in the City of Dawsonville, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" rebar found, at the corner common to Land Lots 380, 381, 436, and 437;

THENCE, N00°17'23"E a distance of 434.06' to a nail found at the base of a 1/2" crimped top pipe;

THENCE, N00°07'52"E a distance of 359.84' to a 1/2" rebar found;

THENCE, N00°13'23"W a distance of 27.74' to a 1 1/2" angle iron found;

THENCE, N78°36'46"E a distance of 257.98' to a 1/2" rebar found;

THENCE, N78°35'08"E a distance of 245.54' to a 3/8" rebar found;

THENCE, N78°32'50"E a distance of 312.16' to a 1 1/2" angle iron found;

THENCE, S00°38'56"W a distance of 192.11' to a 28" tree stump found;

THENCE, S49°47'57"E a distance of 138.76' to a nail found at the base of a 1/2" crimped top pipe found;

THENCE, N58°57'33"E a distance of 199.96' to a 1/2" crimped top pipe found at the westerly right-of-way of Howser Mill Road (60' R/W);

THENCE along the westerly right-of-way of Howser Mill Road, with a curve to the left, having an arc length of 261.07' and a radius of 1023.18', with a chord bearing of S40°00'23"E and a chord length of 260.37' to a point,

THENCE, S00°13'44"E a distance of 395.43' to a 1 1/2" iron rod found;

THENCE, S89°38'06"E a distance of 100.68' to a 1/2" rebar found;

THENCE, S89°43'46"E a distance of 116.25' to a 1/2" open top pipe found;

THENCE, S89°47'31"E a distance of 328.21' to an axle found;

THENCE, S00°26'40"W a distance of 437.67' to an axle found;

THENCE, S80°00'09"W a distance of 27.92' to a 1/2" open top pipe found;

THENCE, S80°32'22"W a distance of 99.32' to a 1/2" open top pipe found;

THENCE, S80°06'08"W a distance of 200.95' to a 1/2" open top pipe found;

THENCE, S00°42'49"E a distance of 233.19' to a 1/2" open top pipe found at the northerly right-of-way of State Route 53 (60' R/W);

THENCE, along the northerly right-of-way of State Route 53, S81°13'23"W a distance of 130.26' to a 1/2" rebar found;

EXHIBIT "A"
LEGAL DESCRIPTION
[page 2 of 2]

THENCE, N00°27'31"W a distance of 235.82' to a 1/2" rebar found;

THENCE, N01°13'07"W a distance of 74.82' to a spike in an open top pipe found;

THENCE, S80°47'21"W a distance of 149.77' to a 1/2" open top pipe found;

THENCE, S00°59'30"E a distance of 74.71' to a 2" iron rod found;

THENCE, S81°25'06"W a distance of 288.44' to a 1/2" open top pipe found;

THENCE, N02°17'28"W a distance of 99.87' to a 3/4" open top pipe found;

THENCE, S81°17'41"W a distance of 249.94' to a 1/2" open top pipe found;

THENCE, N02°13'38"W a distance of 114.63' to 1/2" rebar set;

THENCE, S80°20'36"W a distance of 538.90' to 1/2" rebar set;

THENCE, N86°51'50"W a distance of 117.66' to 1/2" rebar set;

THENCE, N00°05'36"E a distance of 277.61' to a 1/2" rebar found, said 1/2" rebar found being the point of beginning;

Said property containing an area of 38.55 Acres.

~AS SURVEYED PROPERTY DESCRIPTION~

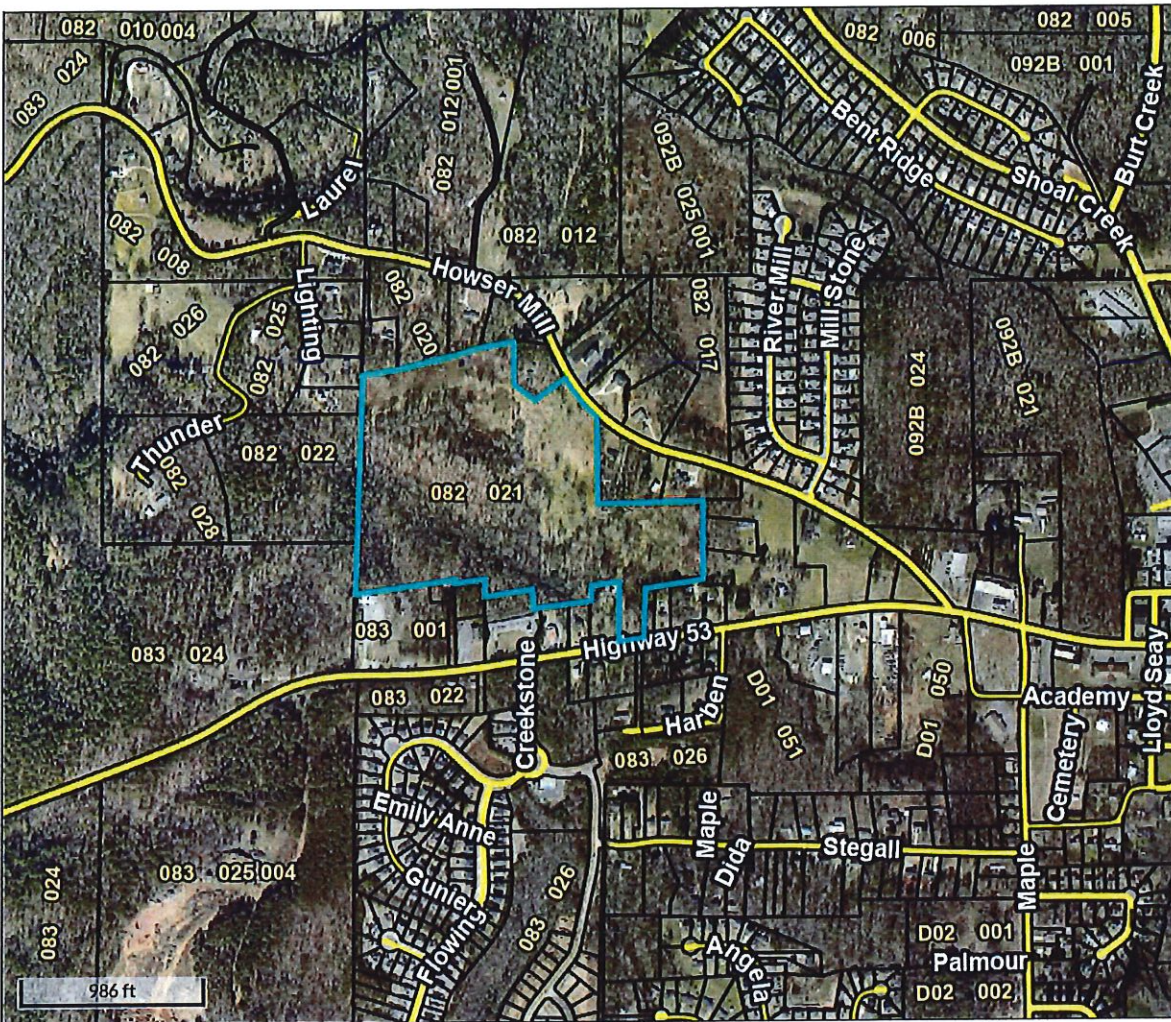
PARCEL A

All that tract or parcel of land lying and being in Land Lots 379, 380, 437 & 438, Dawson County, in the city of Dawsonville, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" rebar found, at the corner common to Land Lots 380, 381, 436, and 437;

THENCE, N00°17'23"E a distance of 434.06' to a nail found at the base of a 1/2" crimped top pipe; THENCE, N00°07'52"E a distance of 359.84' to a 1/2" rebar found; THENCE, N00°13'23"W a distance of 27.74' to a 1 1/2" angle iron found; THENCE, N78°36'46"E a distance of 257.98' to a 1/2" rebar found; THENCE, N78°35'08"E a distance of 245.54' to a 3/8" rebar found; THENCE, N78°32'50"E a distance of 312.16' to a 1 1/2" angle iron found; THENCE, S00°38'56"W a distance of 192.11' to a 28" tree stump found; THENCE, S49°47'57"E a distance of 138.76' to a nail found at the base of a 1/2" crimped top pipe found; THENCE, N58°57'33"E a distance of 199.96' to a 1/2" crimped top pipe found at the westerly right-of-way of Howser Mill Road (60' R/W); THENCE along the westerly right-of-way of Howser Mill Road, with a curve to the left, having an arc length of 261.07' and a radius of 1023.18', with a chord bearing of S40°00'23"E and a chord length of 260.37' to a point, THENCE, S00°13'44"E a distance of 395.43' to a 1 1/2" iron rod found; THENCE, S89°38'06"E a distance of 100.68' to a 1/2" rebar found; THENCE, S89°43'46"E a distance of 116.25' to a 1/2" open top pipe found; THENCE, S89°47'31"E a distance of 328.21' to an axle found; THENCE, S00°26'40"W a distance of 437.67' to an axle found; THENCE, S80°00'09"W a distance of 27.92' to a 1/2" open top pipe found; THENCE, S80°32'22"W a distance of 99.32' to a 1/2" open top pipe found; THENCE, S80°06'08"W a distance of 200.95' to a 1/2" open top pipe found; THENCE, S00°42'49"E a distance of 233.19' to a 1/2" open top pipe found at the northerly right-of-way of State Route 53 (60' R/W); THENCE, along the northerly right-of-way of State Route 53, S81°13'23"W a distance of 130.26' to a 1/2" rebar found; THENCE, N00°27'31"W a distance of 235.82' to a 1/2" rebar found; THENCE, N01°13'07"W a distance of 74.82' to a 1/2" open top pipe found; THENCE, S80°47'21"W a distance of 149.77' to a 1/2" open top pipe found; THENCE, S00°59'30"E a distance of 74.71' to a 2" iron rod found; THENCE, S81°25'06"W a distance of 288.44' to a 1/2" open top pipe found; THENCE, N02°17'28"W a distance of 99.87' to a 3/4" open top pipe found; THENCE, S81°17'41"W a distance of 249.94' to a 1/2" open top pipe found; THENCE, N02°13'38"W a distance of 114.63' to 1/2" rebar set; THENCE, S80°20'36"W a distance of 538.90' to 1/2" rebar set; THENCE, N86°51'50"W a distance of 117.66' to 1/2" rebar set; THENCE, N00°05'36"E a distance of 277.61' to a 1/2" rebar found, said 1/2" rebar found being the point of beginning.

Said property containing an area of 38.55 Acres.



Overview



Legend



Parcel ID: 082 021
Alt ID: 5808
Owner: SONG SPARROW LLC
Acres: 38.58
Assessed Value: \$416600

Date created: 11/8/2022
Last Data Uploaded: 11/8/2022 1:18:26 AM

Developed by  Schneider
GEOSPATIAL

Deed given by Marian MacDonald to Mortgage Electronic Registration Systems, as grantee, as nominee for Grace Home Loans, Inc., its successors and assigns, dated 01/25/2013, recorded in Deed Book 1064, Page 398, Dawson County, Georgia Records, last transferred to PNC Bank, National Association by instrument recorded in Deed Book 1594, Page 316, Dawson County, Georgia Records, conveying the after-described property to secure a Note in original principal amount of ONE HUNDRED ONE THOUSAND FIFTY DOLLARS (\$101,800.00), with interest thereon as set forth herein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Dawson County, Georgia, or at such place as may be lawfully designated in an alternative, within the first 12 hours of sale on the first day in November, 2022, the following described property:

EXHIBIT "A" ATTACHED TO AND MADE A PART OF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due in the manner provided in the Note and Security Deed, debt remaining in default, sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given).

The property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned.

Bank, National Association as holder of the Security Deed to the property in accordance with OCGA § 44-14-14. The party that has full authority to negotiate, amend, or modify all terms of the mortgage with the debtor is: Bank, N.A., 3232 Newmark Miami Blvd., Miami, OH 45342, 23-8654.

however, that such is not required by law to negotiate, amend or modify the terms of the loan.

To the best knowledge and belief of the undersigned, the party in possession of the property is Marian L MacDonald and said party is more commonly

known as given by Danny L Pruitt AKA Danny L Pruitt Jr and Amanda L Pruitt to Mortgage Electronic Registration Systems, Inc., as grantee, as nominee for Fidelity Mortgage, Inc., its successors and assigns, dated 3/1/2005 and recorded in Deed Book 654 Page 304 and re-recorded at Deed Book 916 Page 170 Dawson County, Georgia records; as last transferred to or acquired by HSBC Bank USA, N.A., as Indenture Trustee for the registered holders of the Renaissance Home Equity Loan Asset-Backed Certificates, Series 2005-1, conveying the after-described property to secure a Note in the original principal amount of \$115,500.00, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Dawson County, Georgia (or such other area as designated by Order of the Superior Court of said county), within the legal hours of sale on November 1, 2022 (being the first Tuesday of said month unless said date falls on a Federal Holiday, in which case being the first Wednesday of said month), the following described property:

All that tract or parcel of land lying and being in Land Lots 1087 and 1088, of the 4th district and 1st section of Dawson County, Georgia, being 1.33 acres as shown on a plat for Danny Lanier Pruitt, Jr. dated April 6, 2000, as surveyed by Hilton H. Hobby, Jr., Registered Surveyor, which plat is recorded in plat book 50, page 177, of the Dawson county records and incorporated herein by reference for a more complete description thereof.

Also conveyed herewith is in 20-foot wide nonexclusive perpetual easement for access leading to and from the within-described property and Cowart Road a/k/a Shiloh Church Road, Said easement being more fully depicted on the above referenced plat, which is incorporated herein by reference for a more complete description thereof.

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as 5583 Cowart Rd, Dawsonville, GA 30534 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the

successors and assigns, dated January 29, 2016, recorded in Deed Book 1184, Page 54, Dawson County, Georgia Records, as last transferred to Lakeview Loan Servicing, LLC by assignment recorded in Deed Book 1526, Page 327, Dawson County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINETY-TWO THOUSAND FOUR HUNDRED FORTY-TWO AND 0/100 DOLLARS (\$92,442.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Dawson County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in November, 2022, the following described property: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given). Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned.

Lakeview Loan Servicing, LLC is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2.

The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: M&T Bank, One Fountain Plaza, Buffalo, NY 14203, 800-724-1633.

Note, however, that such entity is not required by law to negotiate, amend or modify the terms of the loan.

To the best knowledge and belief of the undersigned, the party in possession of the property is Estate of Charles C Downs, Jr and Frances Renee Downs or a tenant or tenants and said property is more commonly known as 61 Stone Place, Dawsonville, Georgia 30534. Should a conflict arise between the property address

Public Hearings

Notice of Public Hearing

The following public hearings will be heard by the City of Dawsonville Planning Commission at 5:30 p.m. and/or the City Council beginning at 5:00 p.m. respectively on the dates indicated below. Public hearings are heard in the Council Chambers on the second floor at City Hall located at 415 Hwy 53 East, Dawsonville, Georgia 30534. The public is invited to participate.

ZA-C2300046:

Eastwood Homes of Georgia, LLC has petitioned a change of zoning condition for TMP 082 021; Located at 592 Hwy 53 West, with a city zoning of RPC (Residential Planned Community). Applicant is requesting a removal of stipulation 1a and 1b of ZA-C-900004 pertaining to Housing for Older Persons Act (fifty-five (55) years of age or older). Public Hearing Dates: Planning Commission on November 14, 2022, and City Council on December 5, 2022. City Council for a decision on December 19, 2022.

VAR-C2300047:

SDH Atlanta, LLC has requested to reduce to one street access for Cornerstone Subdivision (TMP 084 004 and 084 005); Located at 1694 and 1768 Hwy 9 South. Public Hearing Date: Planning Commission on November 14, 2022.

If you wish to speak on the requests, please contact City Hall for a CAMPAIGN DISCLOSURE form. This form is only needed if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. Those persons with disabilities who require reasonable 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 Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.

113852 10/26

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-23 Jim King is requesting to rezone RSR (Residential Sub-Rural) & C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing a 319,000 square feet office/warehouse space. VR 22-24 Jim King is requesting to vary from the Dawson County Land Use Resolution Article VI Section 607.1.A Reduction of minimum parking requirements of a gross floor area. Article IV Section 400 A Setback

Application for Campaign Disclosure Form: please contact this office for a Campaign Disclosure Form. This must be completed and filed with this office prior to the meeting date. This is only necessary if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. 113898 10/26,11/2

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-25 Perry Betterton is requesting to rezone TMF 104-058 from R-A (Residential Agriculture) to C-HE (Commercial Highway Business) for the purpose of opening a retail trailer sales business.

VR 22-27 Perry Betterton is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height. The Dawson County Board of Commissioners will hear ZA 22-25 & VR 22-27 at their regularly scheduled meeting on December 15th 2022 Dawson County Board of Commissioners regular voting session meetings will immediately follow the board's 4 p.m. work session meetings at the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia.

If you have any questions or concerns regarding this application or need special accommodations please contact Harmony Gee, Zoning Administrator at 706-344-3500, ext. 42336. All interested parties are invited to attend and be heard.

If you should wish to speak in favor or opposition to the above listed application, please contact this office for a Campaign Disclosure Form. This must be completed and filed with this office prior to the meeting date. This is only necessary if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. 113899 10/26,11/2

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-27 Miles, Hansford & Tallant, LLC obo Darshit Patel is requesting to rezone TMP 093-034 from RSR (Residential Sub-Rural) to C-RB (Commercial Rural Business) for the purpose of developing a gas station and convenience store. The Dawson County Board of Commissioners will hear ZA 22-27 at their regularly scheduled

PUBLIC NOTICE ON ZONING

AN APPLICATION HAS BEEN FILED WITH THE CITY OF
DAWSONVILLE IN REGARDS TO THE FOLLOWING
REGULATIONS AS THEY APPLY TO THIS PROPERTY.

THE APPLICATION IS FOR:

ZA-C2300046

HEARINGS WILL BE HELD BY:

ZONING COMMISSION

DATE: 11/14/2022

TIME: 5:30pm

CITY COUNCIL

DATE: 11/05/2022

TIME: 5:00pm

HEARING LOCATION:

DAWSONVILLE MUNICIPAL COMPLEX
415 HIGHWAY 53 E SUITE 100
DAWSONVILLE, GA 30534

FOR ADDITIONAL INFORMATION CALL
CITY PLANNING & ZONING DEPT AT 706-269-3256

THIS SIGN NOT TO BE REMOVED WITHOUT AUTHORIZATION



City of Dawsonville

DEPARTMENT OF PLANNING AND ZONING

PLANNING COMMISSION

CASE SUMMARY

November 14, 2022

VARIANCE APPLICATION

Case Number: VAR-C2300047

Applicant: Craig Gaskins

Business Name: SDH Atlanta, LLC

Property Address: 1768 Hwy. 9 South, Dawsonville

Parcel Number: TMP 084 004 & 005

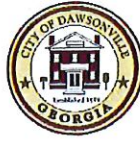
Project Name: SR9 ~ Coleman Tract

Present Zoning: R3 (Single Family Residential)

Present Use: Vacant (Pastureland)

Request: A proposed reduction from two full access points to one full access

Staff Recommendation: **Suggestive Stipulations**



CITY OF DAWSONVILLE
PLANNING COMMISSION
CASE ANALYSIS

TO: The Chairperson and Commission
DATE: November 14, 2022
FROM: Harmit Bedi, Director, Planning and Zoning
SUBJECT: Application for a Variance
Case Number: VAR – C2300047

Findings of Fact:

Mr. Craig Gaskins of SDH Atlanta, LLC, Woodstock, Georgia, has applied for a variance. The subject property is located at 1768 Hwy 9 South, Dawsonville. The present zoning is R3 (Single Family Residential) with 121.11 acres area.

Background:

On April 18, 2022, the Mayor and City Council Approved the rezoning for the subject property from R-1 (Restricted Single-Family Residential District) to R3 (Single-Family Residential District) with conditions.

The proposed plan for the subdivision shows 220 lots with two access points to Hwy. 9 South. First one with Full access to Hwy. 9 South in the South and second access point in the North. The second access point is with limited access, according to the proposed plans. To be specific – between lots #14 and #15.

The Request:

The applicant is requesting reduction from Two Full access points to One access point. Proposing to install a gate for emergency access only at the access point in the North.

The applicant is proposing installation of a gate with Knox Lock/Box to allow access to the subdivision for emergency purposes and emergency vehicles.

Staff Analysis:

The subject property is vacant with couple of residential structures. The property is being used as a pastureland presently. No infrastructure improvements have been installed.

During the design phase of the subdivision, the Fire Marshall was consulted. According to the International Fire Code, Appendix D, Section D107, development requires a secondary access point, but it does not have to be paved and it can be gated with Knox box/lock.

According to Mr. Christopher Hash, Traffic Operations Supervisor, GDOT, Gainesville, Georgia, email dated, September 6, 2022, a second access on SR9 South is *NOT* necessary (copy of the email from GDOT is attached herewith). In addition, the Traffic Study does not suggest the second full access is needed for this subdivision, considering the safety and efficiency of the State Highway System.

Staff Recommendation:

The Planning Commission may consider **Approval** of the Variance request of reduction from Two Full access points to One access point and installation of a gate for emergency only access at the access point in the North with the following **conditions**:

1. The gate design, material and installation shall be approved by the Dawson County Fire Marshal. The applicant must submit copy of the approval document to the Director, Planning and Zoning Department for City records.
2. The Knox Box/Lock must be as customary on similar projects in Dawson County and must have approval of the Fire Marshall.
3. The gate and surroundings must be tastefully designed to match with the development of the surrounding houses (material, color, design etc.). The gate plan must be prepared by an engineer or an architect.

Thank you.

Diane Callahan

From: Hash, Christopher M [REDACTED]
Sent: Tuesday, September 6, 2022 4:02 PM
To: Corey Guthrie
Cc: Dykes, Jason; Peevy, Jonathan; Niebauer, Parker J; Nembhard, Nakia L; Bryan Young; Diane Callahan
Subject: RE: Cornerstone (Access to SR 9 at Mill Creek Dr)

Good afternoon Corey,

Paraphrasing from Chapter 1 of the Driveway Manual. It is in The Departments interest to manage access to the State Highway System. The safety and efficiency of the State Highway System are affected by the amount and character of intersecting streets and driveways. Therefore, when 2 driveways are required by local code but not warranted by a traffic study The Department prefers having one main driveway with a second emergency access only driveway.

Please let me know if you have any questions.

Thanks,

Christopher Hash
D1TO Traffic Operations Supervisor



District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.531.5723 office
[REDACTED]

From: Corey Guthrie [REDACTED]
Sent: Friday, September 2, 2022 3:24 PM
To: Hash, Christopher M [REDACTED]; Nembhard, Nakia L [REDACTED]
Cc: Dykes, Jason [REDACTED]; Niebauer, Parker J [REDACTED]; Bryan Young [REDACTED]; Diane Callahan [REDACTED]
Subject: Cornerstone (Access to SR 9 at Mill Creek Dr)

Chris & Nakia,

We met with the interim Planning Director for Dawsonville today and I discussed with Diane Callahan our conversation about our currently designed right-in/out access adjacent to Thunder Ridge for a proposed 216 lot subdivision called Cornerstone. The City's applicable code states "Subdivisions with 125 or more contiguous lots must have a minimum of two means of street access...". The previous Director David Picklesimer interpreted their Code to mean a full access, not an emergency one. But after talking to you guys on Tuesday, I believe you would support the notion that we'd actually like to restrict access onto SR 9, not add more accesses. Following our meeting, I did speak with the Fire



City of Dawsonville
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

Variance Application

VAR- C2300047

Application for: Appeal Special Exception Adjustment

Variance Requested: Sec. 109-36 to reduce to one street access (Letter of Intent must fully describe this request)

Applicant Name: Craig Gaskins Company: SDH Atlanta, LLC

Address: 110 Village Tr., Suite 215 City: Woodstock Zip: 30188

Cell Phone: [REDACTED] Email: [REDACTED]

Owner Name(s): Janet Bagley Coleman

Address: (mailing) 5130 Pittman Rd City: Cumming Zip: 30040

Cell Phone: _____ Email: _____

Exact Location and Description of Subject Property:

Address: 1768 Hwy 9S Lot # _____

Present/Proposed Zoning: R3 Parcel # 084 004 & 005

District: 4th Land Lot: 641,642,643 Tax Map # 084 004 & 084 005

Present and/or Proposed Use of Property: Proposed residential subdivision

Required Items:

- A completed signed application.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Planning Director.
- The Letter of Intent shall address the criteria specified in Article IX. Sec. 907. Variances, conditional uses and map amendments (see page 2 & 3).
- Sign Variance authorized by City Council only per Chapter 105 Sec 105-8.

FEE SCHEDULE

Variance Per Ordinance Amendment	\$300.00
Administrative fee	\$100.00
Appeals and Change of Zoning Conditions	\$500.00
Public Notice Certified Mail	\$7.82 per adjacent property owner

Craig Gaskins

Signature of Applicant

10/7/22

Date

Office Use Only	
Date Completed Application Rec'd: <u>10.13.22</u>	Amount Paid: \$ <u>509.48</u> CK Cash <u>CC</u>
Date of Planning Commission Meeting: <u>11.14.22</u>	Dates Advertised:
Approved by Planning Commission: YES NO	Approved by City Council: YES NO
	Postponed: YES NO Date:

RECEIVED
 OCT 13 2022
 BY: Sjt

City of Dawsonville Land Use and Zoning Ordinance: Article IX Variances.

Does This Proposal Qualify For A Variance?

The purpose of a variance is to provide relief when a strict application of the district requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized within the district in which the proposed use would be located. 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. This Article establishes conditions; criteria for granting variances; public hearings on proposed variances; variances to road requirements; variance procedures; compliance with conditions of approval; vested interest in approved variances; investigations and reports; revocation; limitations on re-applications; and use variance. **A variance may be granted, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.**

Please Answer The Following In Addition to Providing A Letter Of Intent

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and,

Answer:

Cornerstone's only road access is SR 9 and it is GDOT's preference to limit full access points due to additional points of conflicts which could cause traffic accidents.

_____ and,

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located;

Answer:

Adding a second full access, while the Fire Department would accept a 2nd gated emergency only access, would create an unnecessary access point which could cause additional traffic accidents. There are no other public access points currently available surrounding this property.

_____ and,

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;

Answer:

Any property under the purview of the Dawson County Fire Marshal, as well as with street access only on a State Road, only needs one full access point and therefore wouldn't have any special privileges with only one full access point.

_____ and,

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value;

Answer:

Limiting the proposed subdivision to one full access and a secondary emergency gated access would be harmonious with the Fire Marshal and GDOT.

_____ and,

5. The special circumstances are not the result of the actions of the applicant;

Answer:

As previously mentioned, there are no other public road access points for a second full access point.

_____ and,

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure;

Answer:

Converting one full access to an emergency gated access is the minimum variance requested that will still provide the legal use of the land

_____ and,

7. The variance is a request to permit a use of land, building or structures which is permitted by right in the district involved.

Answer:

Granting a variance for one full access and a second emergency only access will permit the use of the land the same way as if there were two full accesses.

The applicant, or designated agent, **MUST*** attend the public hearings for the variance request to be considered.

***NOTE:** If the applicant of a petition before the Planning Commission fails to attend the public hearing, then the Planning Commission may deny the subject petition or may require re-advertisement of the subject petition at the expense of the applicant.



City of Dawsonville
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 Phone: (706) 265-3256

**Property Owner
 Authorization**

VAR# C2300047 TMP# 084 004 & 084 005 Applicant's Name: SDH Atlanta, LLC

Property Owner Authorization

I / We Janet Bagley Coleman hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 084 004 & 084 005 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(s) or entity(ies) named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The undersigner below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action.

Printed Name of Owner Janet Bagley Coleman
 Signature of Owner *Janet Bagley Coleman* Date Oct 6, 2022
 Mailing Address 5130 Pittman Road
 City Cumming State GA Zip 30040
 Telephone Number _____

Sworn to and subscribed before me
 this 6 day of Oct 20 22
Sherry Sutton
 Notary Public, State of Georgia
 My Commission Expires: Aug 6, 23



(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 have the additional sheet/sheets notarized also.)

September 7, 2022

VIA HAND DELIVERY

City of Dawsonville

Mayor and Council Members

Planning and Zoning Department

415 Hwy 53 E, Suite 100

Dawsonville, GA 30534

Re: Applicant, SDH Atlanta, LLC, Letter of Intent

Variance request for Parcels 084 004 & 084 005

Sec. 109-36 A proposed reduction from two full access points to one full access and a second gated emergency only access

The Applicant is hereby submitting this Letter of Intent to the City of Dawsonville to provide written summary of the proposal to reduce the number of full access points for the proposed CORNERSTONE subdivision, as was previously rezoned to R3 via ZA C2200119.

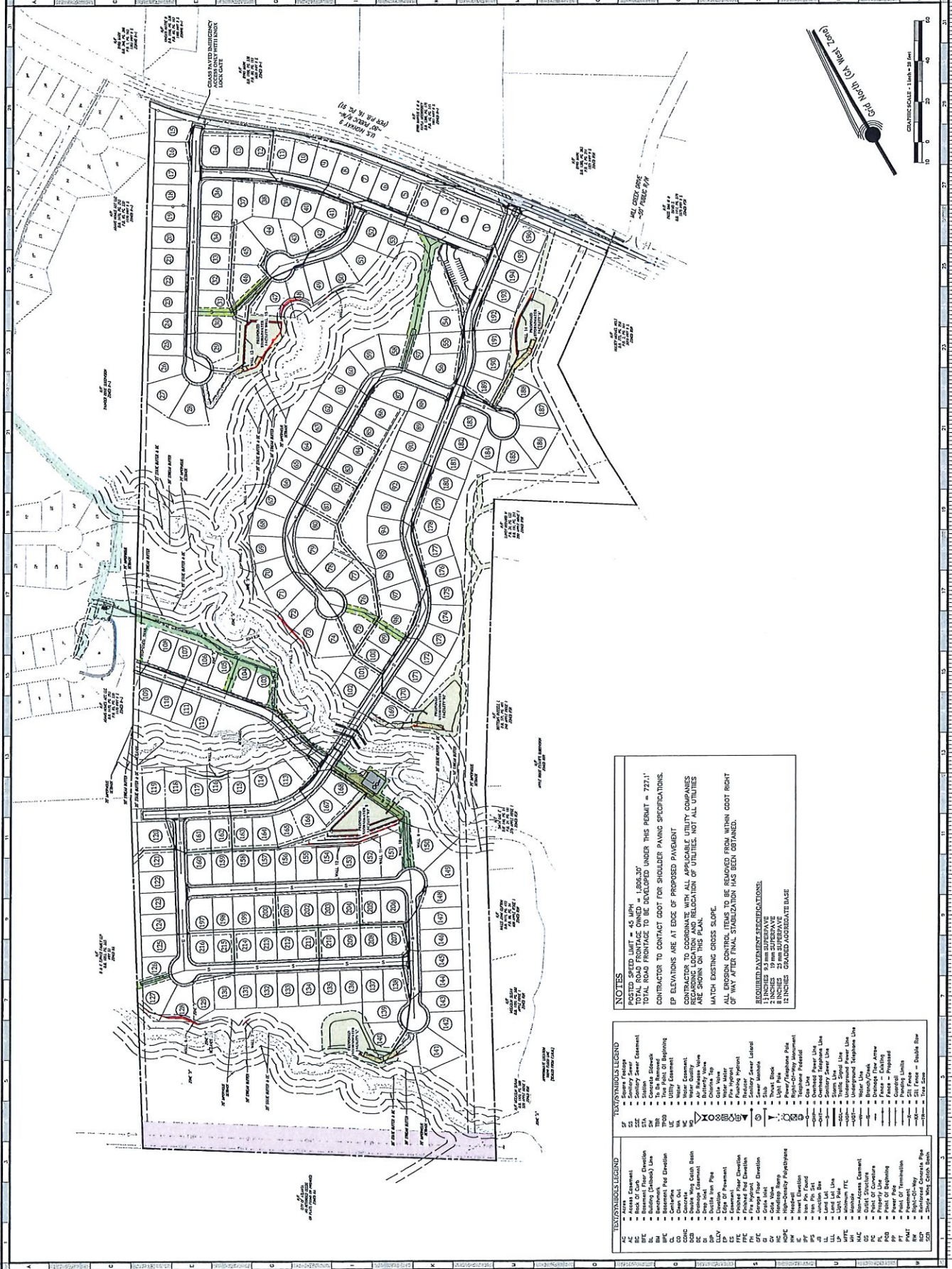
The applicable City Code Sec. 109-36. – Access to public roads states:

Subdivisions with 125 or more contiguous lots must have a minimum two means of street access and perform a traffic study. Traffic study may require additional street access points.

A secondary entrance was previously proposed on the Rezoning Exhibit near the common boundary line with Thunder Ridge Subdivision (close to the existing chicken houses for reference). During the design phase of this subdivision, the Fire Marshal and Georgia DOT were consulted regarding the secondary access. International Fire Code, section D, does require a secondary access point, but it does not have to be paved and it can be gated with a Knox lock, as is customary on similar projects throughout Dawson County. GDOT further confirms that a secondary access on SR 9 is NOT necessary, as a supporting Traffic Study does not suggest the second full access is needed. The safety and efficiency of the State Highway System is considered.

We believe the spirit of the City's ordinance is to provide a safe and efficient means of access to a public road system for larger developments with 125 or more lots, as such with Cornerstone. Given the support of both GDOT and International Fire Code, we believe one full access in full compliance with GDOT requirements, and one secondary emergency only, gated access serves the needs of the proposed subdivision and the surrounding community.

ENSTEER FULL-COMMERCIAL, LLC 2000 Peachtree Dunwoody Rd., NE Suite 1000, Atlanta, GA 30328 Phone: (770) 426-8800 Email: ensteer@ensteer.com		PROJECT: CORNERSTONE	
OWNER/DEVELOPER: ST LOUIS HOMES 3015 Peachtree Dunwoody Rd., NE Suite 215, Atlanta, GA 30328 Phone: (770) 370-3030 Email: speaking@stloouishomes.com		LOCATED IN: LAND LOTS 641, 642 & 643 4th DISTRICT, 1st SECTION DAWSON COUNTY, GEORGIA	
24-HOUR CONTRACT: CRAIG GASKINS (770) 712-7179		SHEET TITLE: OVERALL SITE PLAN	
NOTARY PUBLIC: DAWSONVILLE INSPECTOR AT 796-266-2885 24-HOURS PHASE OF CONSTRUCTION:		STAMP: 	
DRAWING DATE: 2023-10-07		SHEET REVISIONS:	



NOTES

1. TOTAL ROAD FRONTAGE OWNED = 1,806.30'

2. TOTAL ROAD FRONTAGE TO BE DEVELOPED UNDER THIS PERMIT = 727.1'

3. CONTRACTOR TO CONTACT GDOT FOR SHOULDER PAVING SPECIFICATIONS.

4. EP ELEVATIONS ARE AT EDGE OF PROPOSED PAVEMENT.

5. CONTRACTOR TO COORDINATE WITH ALL APPLICABLE UTILITY COMPANIES REGARDING LOCATION AND RELATIONSHIP OF UTILITIES. NOT ALL UTILITIES ARE SHOWN ON THIS PLAN.

6. MATCH EXISTING GROSS SLOPE.

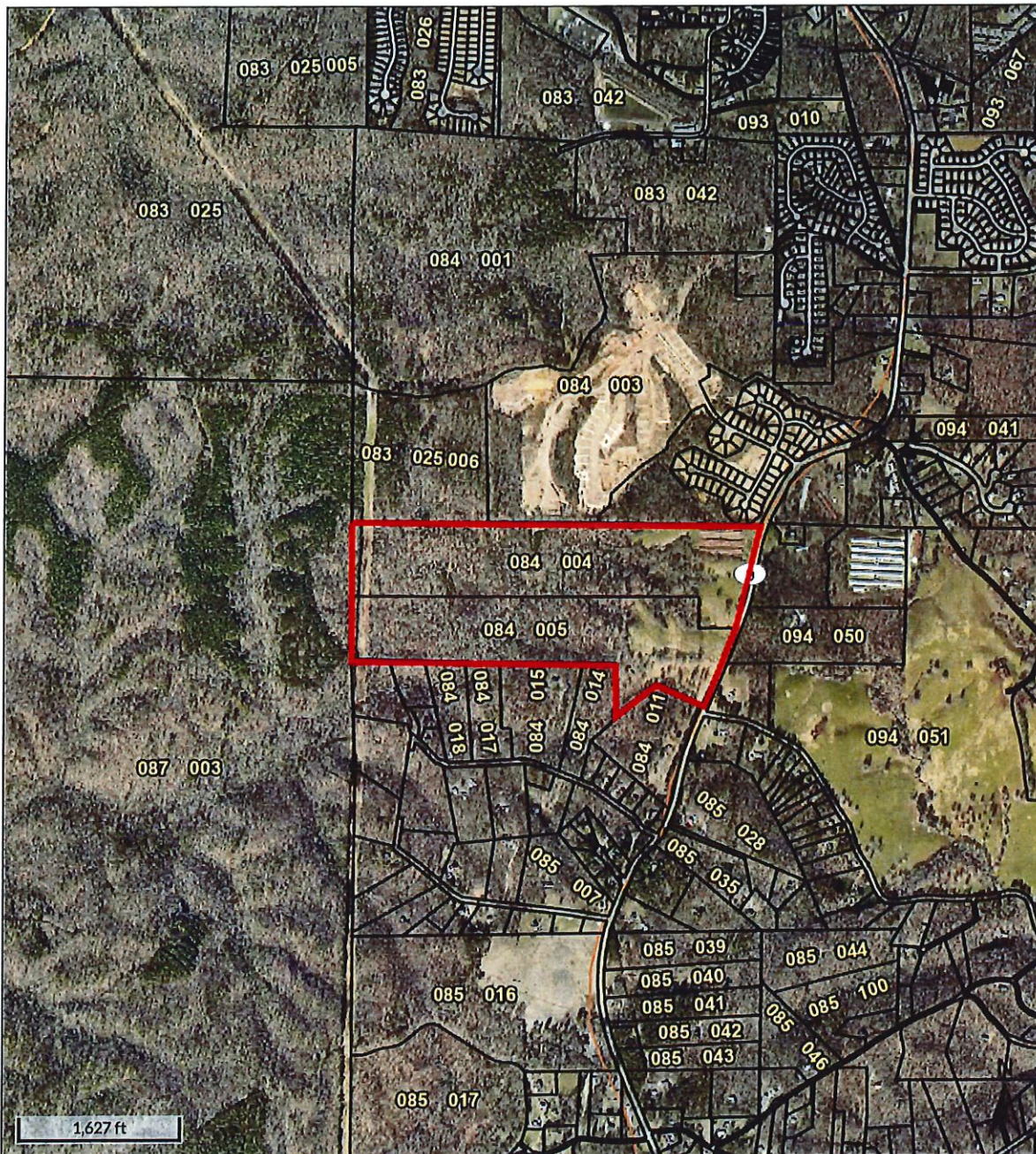
7. ALL EROSION CONTROL ITEMS TO BE REMOVED FROM WITHIN GDOT RIGHT OF WAY AFTER FINAL STABILIZATION HAS BEEN OBTAINED.

REQUIRED PAVEMENT INVESTIGATIONS:

- 3 INCHES TO 18 INCHES SUBGRADE
- 2 INCHES TO 18 INCHES SUBGRADE
- 12 INCHES GRADED AGGREGATE BASE

SYMBOLS LEGEND

AC	Asphalt	AD	Asphalt Driveway
BC	Back of Curb	BE	Best Management Practice
BL	Bottom of Back Slope	BM	Bottom of Back Slope
CL	Center Line	CD	Center of Drive
CS	Center of Street	CU	Center of Utility
CSB	Center of Subgrade	CSL	Center of Subgrade Line
CSM	Center of Subgrade Manhole	CSN	Center of Subgrade Note
CSO	Center of Subgrade Opening	CSR	Center of Subgrade Right-of-Way
CSU	Center of Subgrade Utility	CSV	Center of Subgrade Valve
CSW	Center of Subgrade Water	CSX	Center of Subgrade X
CSY	Center of Subgrade Y	CSZ	Center of Subgrade Z
CSAA	Center of Subgrade A	CSAB	Center of Subgrade B
CSAC	Center of Subgrade C	CSAD	Center of Subgrade D
CSAE	Center of Subgrade E	CSAF	Center of Subgrade F
CSAG	Center of Subgrade G	CSAH	Center of Subgrade H
CSAI	Center of Subgrade I	CSAJ	Center of Subgrade J
CSAK	Center of Subgrade K	CSAL	Center of Subgrade L
CSAM	Center of Subgrade M	CSAN	Center of Subgrade N
CSAO	Center of Subgrade O	CSAP	Center of Subgrade P
CSAQ	Center of Subgrade Q	CSAR	Center of Subgrade R
CSAS	Center of Subgrade S	CSAT	Center of Subgrade T
CSAU	Center of Subgrade U	CSAV	Center of Subgrade V
CSAW	Center of Subgrade W	CSAX	Center of Subgrade X
CSAY	Center of Subgrade Y	CSAZ	Center of Subgrade Z



Overview

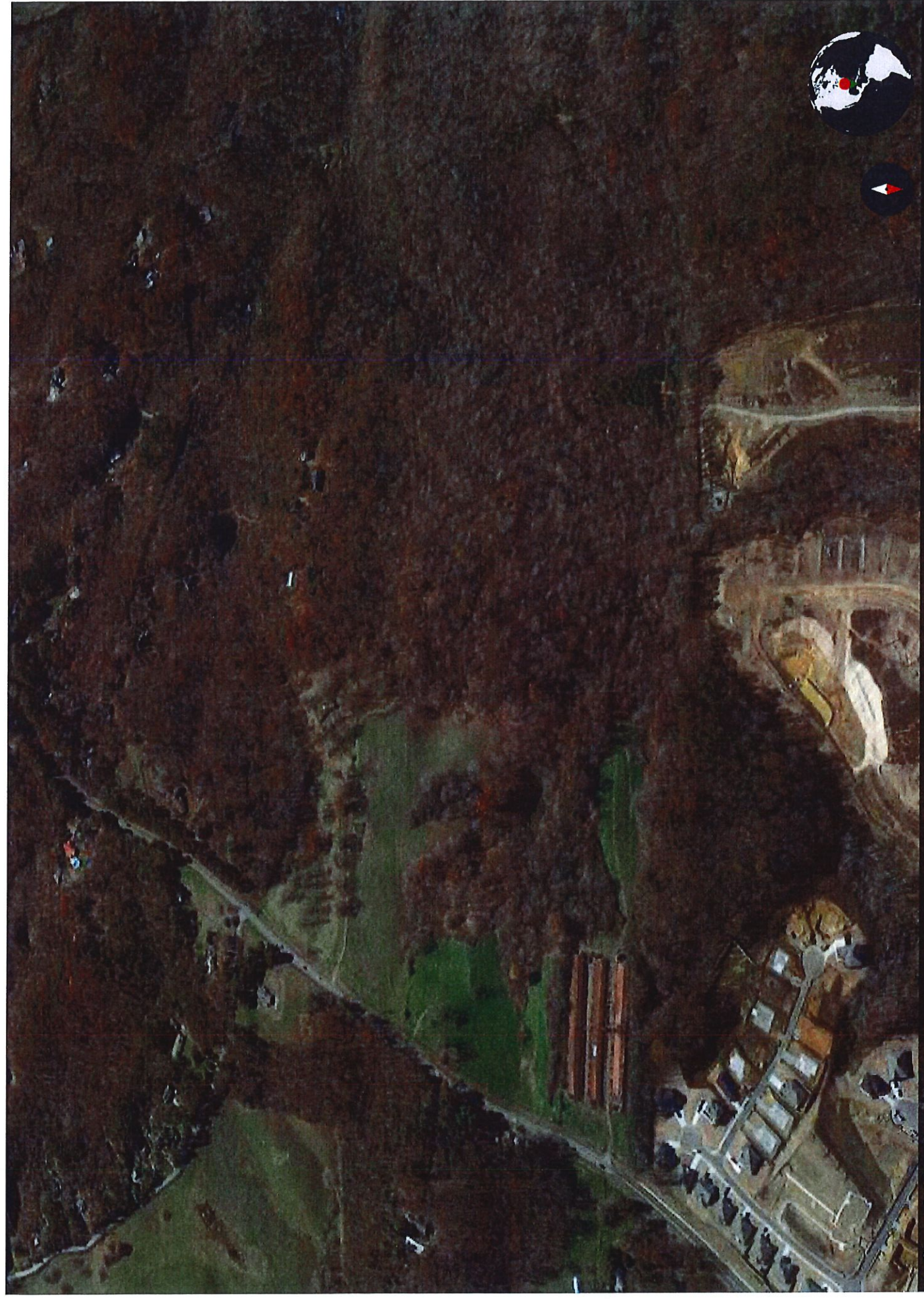


Legend

□ Parcels

Date created: 11/8/2022
Last Data Uploaded: 11/8/2022 1:18:26 AM

Developed by  Schneider
GEOSPATIAL





PUBLIC NOTICE ON ZONING

AN APPLICATION HAS BEEN FILED WITH THE CITY OF
DAWSONVILLE IN REGARDS TO THE ZONING
REGULATIONS AS THEY APPLY TO THIS PROPERTY.

THE APPLICATION IS FOR:

VAR-C2300047

HEARINGS WILL BE HELD BY:

PLANNING COMMISSION: _____
DATE: 11.14.2022 _____
TIME: 5:30 p.m. _____

HEARING LOCATION:
DAWSONVILLE MUNICIPAL COMPLEX
415 HIGHWAY 53 E SUITE 100
DAWSONVILLE, GA 30534
FOR ADDITIONAL INFORMATION CALL
CITY PLANNING & ZONING DEPT AT 706-265-3256

THIS SIGN NOT TO BE REMOVED WITHOUT AUTHORIZATION

Security Deed given by Marian MacDonald to Mortgage Electronic Registration Systems, Inc., as grantee, as nominee for Grace Home Loans, Inc., its successors and assigns, dated March 5, 2013, recorded in Deed Book 1064, Page 398, Dawson County, Georgia Records, last transferred to PNC Bank, National Association by instrument recorded in Deed Book 1594, Page 316, Dawson County, Georgia Records, conveying the after-described property to secure a Note in original principal amount of ONE HUNDRED ONE THOUSAND FIFTY HUNDRED AND 0/100 DOLLARS (\$101,800.00), with rest thereon as set forth herein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Dawson County, Georgia, or at such place as may be lawfully designated as an alternative, within the 10 hours of sale on the first Tuesday in November, 2022, the following described property:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due in the manner provided in the Note and Security Deed. The debt remaining in default, sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given).

The property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without representation, warranty or recourse against the above-mentioned or the undersigned.

PNC Bank, National Association is the holder of the Security Deed to the property in accordance with OCGA § 44-14-

any property that has full authority to negotiate, amend, modify all terms of the mortgage with the debtor is: Bank, N.A., 3232 Newmark Miami, Miami, OH 45342, 23-8654.

However, that such is not required by law to negotiate, amend or modify the terms of the loan.

To the best knowledge and belief of the undersigned, the party in possession of the property is Marian L. MacDonald and said party is more commonly

known as 5583 Cowart Rd, Dawsonville, GA 30534 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the property is more commonly known as 61 Stone Place, Dawsonville, Georgia 30534. Should a conflict arise between the property address

successors and assigns, dated January 29, 2016, recorded in Deed Book 1184, Page 54, Dawson County, Georgia Records, as last transferred to Lakeview Loan Servicing, LLC by assignment recorded in Deed Book 1526, Page 327, Dawson County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINETY-TWO THOUSAND FOUR HUNDRED FORTY-TWO AND 0/100 DOLLARS (\$92,442.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Dawson County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in November, 2022, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as 5583 Cowart Rd, Dawsonville, GA 30534 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the

property is more commonly known as 61 Stone Place, Dawsonville, Georgia 30534. Should a conflict arise between the property address

successors and assigns, dated January 29, 2016, recorded in Deed Book 1184, Page 54, Dawson County, Georgia Records, as last transferred to Lakeview Loan Servicing, LLC by assignment recorded in Deed Book 1526, Page 327, Dawson County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of NINETY-TWO THOUSAND FOUR HUNDRED FORTY-TWO AND 0/100 DOLLARS (\$92,442.00), with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Dawson County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in November, 2022, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as 5583 Cowart Rd, Dawsonville, GA 30534 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the

Public Hearings

Notice of Public Hearing

The following public hearings will be heard by the City of Dawsonville Planning Commission at 5:30 p.m. and/or the City Council beginning at 5:00 p.m. respectively on the dates indicated below. Public hearings are heard in the Council Chambers on the second floor at City Hall located at 415 Hwy 53 East, Dawsonville, Georgia 30534. The public is invited to participate.

ZA-C2300046: Eastwood Homes of Georgia, LLC has petitioned a change of zoning condition for TMP 082 021; Located at 592 Hwy 53 West, with a city zoning of RPC (Residential Planned Community). Applicant is requesting a removal of stipulation 1a and 1b of ZA-C-900004 pertaining to Housing for Older Persons Act (fifty-five (55) years of age or older). Public Hearing Dates: Planning Commission on November 14, 2022, and City Council on December 5, 2022. City Council for a decision on December 19, 2022.

VAR-C2300047: SDH Atlanta, LLC has requested to reduce to one street access for Cornerstone Subdivision (TMP 084 004 and 084 005); Located at 1694 and 1768 Hwy 9 South. Public Hearing Date: Planning Commission on November 14, 2022.

If you wish to speak on the requests, please contact City Hall for a CAMPAIGN DISCLOSURE form. This form is only needed if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. Those persons with disabilities who require reasonable 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 Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.

113852 10/26

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-23 Jim King is requesting to rezone TMP 111-116 from RSR (Residential Sub-Rural) & C-HB (Commercial Highway Business) to C-IR (Commercial Industrial Restricted) for the purpose of developing a 319,000 square foot office/warehouse space. VR 22-24 Jim King is requesting to vary from the Dawson County Land Use Resolution Article VI Section 607.1.A Reduction of minimum parking requirements of a gross floor area. Article IV, Section 400.A Setback

Application for a Campaign Disclosure Form. This must be completed and filed with this office prior to the meeting date. This is only necessary if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. **113898 10/26,11/2**

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-25 Perry Betterton is requesting to rezone TMF 104-058 from R-A (Residential Agriculture) to C-HE (Commercial Highway Business) for the purpose of opening a retail trailer sales business.

VR 22-27 Perry Betterton is requesting to vary from the Dawson County Land Use Resolution Article IV, Section 400.C.2.d light pole height. The Dawson County Board of Commissioners will hear ZA 22-25 & VR 22-27 at their regularly scheduled meeting on December 15th 2022 Dawson County Board of Commissioners regular voting session meetings will immediately follow the board's 4 p.m. work session meetings at the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia.

If you have any questions or concerns regarding this application or need special accommodations please contact Harmony Gee, Zoning Administrator at 706-344-3500, ext. 42336. All interested parties are invited to attend and be heard.

If you should wish to speak in favor or opposition to the above listed application, please contact this office for a Campaign Disclosure Form. This must be completed and filed with this office prior to the meeting date. This is only necessary if you have made campaign contributions in the amount of \$250.00 or more within 2 years prior to this date. **113899 10/26,11/2**

Public Notice

The Dawson County Planning Commission will hear the following request on November 15, 2022 at 6:00 p.m. in the DAWSON COUNTY GOVERNMENT CENTER, ASSEMBLY ROOM 2303 located at 25 JUSTICE WAY, Dawsonville, Georgia:

Application for Rezoning: ZA 22-27 Miles, Hansford & Tallant, LLC obo Darsit Patel is requesting to rezone TMP 093-034 from RSR (Residential Sub-Rural) to C-RB (Commercial Rural Business) for the purpose of developing a gas station and convenience store.

The Dawson County Board of Commissioners will hear ZA 22-27 at their regularly scheduled