

# DAWSON COUNTY REZONING APPLICATION

21 AUG 13 11:48AM

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

ZA 21-16 Tax Map & Parcel # (TMP): 107-259  
Submittal Date: 8-13-21 Time: 11:48 am/pm Received by: Uggee (staff initials)  
Fees Assessed: 475.00 Paid: Check Commission District: 4  
Planning Commission Meeting Date: September 21, 2021  
Board of Commissioners Meeting Date: October 21, 2021

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King  
Address: 131 Prominence Court, Suite 230 Dawsonville, GA 30534

Phone: Listed / Unlisted Email: Business / Personal  
Status: [ ] Owner  Authorized Agent [ ] Lessee [ ] Option to purchase

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

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

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

Meeting Date: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

## PROPERTY OWNER/PROPERTY INFORMATION

Name: Jeanette Rucker  
Street Address of Property being rezoned: 311 Lee Castleberry Rd. Dawsonville GA 30534

Rezoning from: AG to: RMF Total acreage being rezoned: 8  
Directions to Property (if no address): Ga 400 to Lee Castleberry Rd, West of Lee Castleberry for 1 block  
property is at NW corner of Lee Castleberry & Stacie Lane.

Subdivision Name (if applicable): \_\_\_\_\_ Lot(s) #: \_\_\_\_\_

Current Use of Property: **Residential**

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

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

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

If yes, what section? North \_\_\_\_\_ South **X**

**SURROUNDING PROPERTY ZONING CLASSIFICATION:**

North **RA & C-HB** South **RSRMM** East **C-HB & C-PCD** West **C-HB & RA**

Future Land Use Map Designation: **RMF**

Access to the development will be provided from:

Road Name: **Lee Castleberry Rd** Type of Surface: **Asphalt**

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

**X** Rezoning to: **RMF** [ ] Special Use Permit for: \_\_\_\_\_

Proposed Use: **Residential Townhomes**

Existing Utilities: **X** Water **X** Sewer **X** Gas **X** Electric

Proposed Utilities: **X** Water **X** Sewer **X** Gas **X** Electric

**RESIDENTIAL**

No. of Lots: **48** Minimum Lot Size: \_\_\_\_\_ (acres) No. of Units: **48**

Minimum Heated Floor Area: **800 sf** sq. ft. Density/Acre: **6 units/Acre**

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

Is an Amenity Area proposed: **Yes**; if yes, what? **Picnic Shelter & Open/Grassed Play Area**

**COMMERCIAL & INDUSTRIAL**

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

AUG 13 11:51 AM

## APPLICANT CERTIFICATION

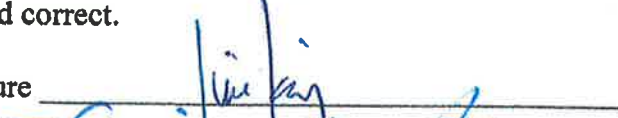

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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

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

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

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

Signature   
Witness 

Date 8/9/2021  
Date 8/9/2021

## WITHDRAWAL

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

I hereby withdraw application # \_\_\_\_\_

Signature 

Date \_\_\_\_\_

### **Withdrawal of Application:**

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

ZA \_\_\_\_\_

TMP#: \_\_\_\_\_

**List of Adjacent Property Owners**

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

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

Name

Address

TMP _____	1.	_____
TMP _____	2.	_____
TMP _____	3.	_____
TMP _____	4.	_____
TMP _____	5.	_____
TMP _____	6.	_____
TMP _____	7.	_____
TMP _____	8.	_____
TMP _____	9.	_____
TMP _____	10.	_____
TMP _____	11.	_____
TMP _____	12.	_____
TMP _____	13.	_____
TMP _____	14.	_____
TMP _____	15.	_____

Use additional sheets if necessary.

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

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

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

This notice and acknowledgement shall be public record.

Applicant Signature: \_\_\_\_\_

Applicant Printed Name: **Jim King** \_\_\_\_\_

Application Number: \_\_\_\_\_

Date Signed: 08/09/2021 \_\_\_\_\_

Sworn and subscribed before me

this 9 day of August, 2021.

Lisa Hester  
\_\_\_\_\_  
Notary Public

My Commission Expires: 8/30/2021



21 AUG 13 11:43 AM  
NOTARY PUBLIC

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

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

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

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

\_\_\_\_\_

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

Amount \$ \_\_\_\_\_ Date: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant/Representative of Applicant:

\_\_\_\_\_ Date: \_\_\_\_\_

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

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

# PROPERTY OWNER AUTHORIZATION

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

311 LEE CASTLEBERRY RD, Dawsonville GA 30534 Tax Parcel #107 259

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: Jim King

Signature of applicant or agent: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

Printed Name of Owner(s): Jeanette Rucker

Signature of Owner(s): Larry William Rucker Date: 08/12/2021

Mailing address: 311 Lee Castleberry Rd.

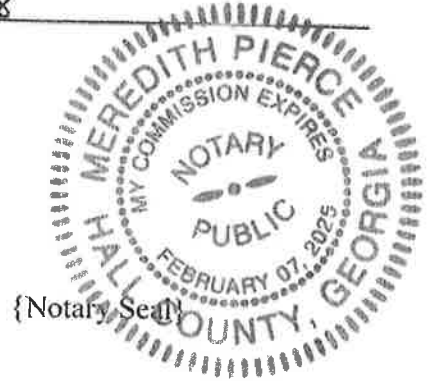
City, State, Zip: Dawsonville Ga. 30534

Telephone Number: Listed (678) 207-6848  
Unlisted \_\_\_\_\_

Sworn and subscribed before me this 12 day of July, 2021.

Meredith Pierce  
Notary Public

My Commission Expires: 2/7/2025



(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.)

FILED  
CLERK  
DAWSON  
COUNTY  
GEORGIA

IN THE PROBATE COURT OF DAWSON COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

SHERRY JEANETTE RUCKER,  
DECEASED

)  
)  
)  
)

ESTATE NO.

ORDER ADMITTING WILL TO PROBATE IN SOLEMN FORM

An alleged Last Will and Testament dated November 17, 2014 was propounded, as amended by CAFN Consent Judgement file stamped March 13, 2020 and the Settlement Agreement incorporated therein. Lanny William Rucker and Ronnie James Rucker were nominated Personal Representatives by the Testator. Ronnie James Rucker renounced his right to serve as such Executor on October 27<sup>th</sup>, 2020 and such renunciation was filed with this Court on October 27<sup>th</sup>, 2020. The Court finds that the Decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above County. The Court further finds that all of the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will (is self-proving) (has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the Will dated November 17, 2014, as amended by Consent Judgement file stamped March 13, 2020 and the Settlement Agreement incorporated thereto is established as the Last Will and Testament of the Decedent ("the Decedent's Will"); that the Will be admitted to record as proven in Solemn Form; and, that the nominated Executor Lanny William Rucker named above have leave to qualify as Personal Representatives by taking the required oath, after which Letters Testamentary shall issue. The Clerk shall serve the Personal Representatives with copies of this Order and the Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representatives shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that: *[initial all that apply]*

- (a) An inventory shall be filed.
- (b) Annual returns shall be filed.
- (c) Letters of Testamentary Conservatorship shall issue to

\_\_\_\_\_ )  
 (d) Letters of Testamentary Guardianship shall issue to

SO ORDERED this 28<sup>th</sup> day of Oct., 20 20

*Jennifer Burt*

Judge of the Probate Court

GEORGIA DAWSON COUNTY  
This is to certify that the within document  
is a true and correct copy of the original on file  
this 2<sup>nd</sup> day of May, 2020  
Clerk



201807111404

IN THE PROBATE COURT OF Dawson COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF  
Sherry Jeanette Rucker  
DECEASED

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ESTATE NO. \_\_\_\_\_

LETTERS TESTAMENTARY  
[Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated November 17, 2014  
(and Codicil(s) dated \_\_\_\_\_) of the above-named Decedent, who was  
domiciled in this County at the time of his or her death or was domiciled in another state but owned  
property in this County at the time of his or her death, was legally proven in Solemn Form to be  
the Decedent's Will and was admitted to record by order, and it was further ordered that  
Lanny William Rucker, named as Executor(s) in said Will, be  
allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

THEREFORE, the Executor(s), having taken the oath of office and complied with all  
necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise  
all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and  
the law.

Given under my hand and official seal, the 2nd day of November, 2020.

*Jennifer Burt*  
Judge of the Probate Court

NOTE: The following must be signed if the  
Judge does not sign the original of  
this document:

Issued by:

[Seal]

\_\_\_\_\_  
Clerk of the Probate Court

GEORGIA, DAWSON COUNTY  
This is to certify that the within document  
is a true and correct copy of the original on file  
this 2nd day of Nov., 2020  
*Alice Dillen*  
Clerk, Probate Court

IN THE PROBATE COURT OF Dawson COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

Sherry Jeanette Rucker

DECEASED

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ESTATE NO. \_\_\_\_\_

**LETTERS TESTAMENTARY**  
*[Relieved of Filing Returns]*

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all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and  
the law.

Given under my hand and official seal, the 2nd day of November, 2020.

*Jennifer Burt*  
Judge of the Probate Court

*NOTE: The following must be signed if the  
Judge does not sign the original of  
this document:*

Issued by:

[Seal]

\_\_\_\_\_  
Clerk of the Probate Court

GEORGIA PROBATE COURT  
This is to certify that the within document  
is a true and correct copy of the original on file  
in this office.  
this 2nd day of Nov., 2020  
*[Signature]*  
Clerk, Probate Court

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

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

X

I am a United States citizen.

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

Executed in Dawsonville (city), Georgia (state)

Signature of Applicant

Jim King

Printed Name

08/09/2021

Date

Ensite Civil Consulting, LLC

Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 9 DAY OF August, 2021

Lisa Hester

Notary Public

My Commission Expires: 8/30/2021



21 AUG 13 11:40 AM

# LETTER OF INTENT

The applicant requests Rezoning a portion of Parcel Number: 107 259 from RA to RMF in order to build a Residential Neighborhood of 48 homes on 8 acres. The property is located at the NW Corner of Lee Castleberry Rd and Stacie Lane, Dawsonville, GA 30534. The property is bounded on the north and west by agricultural property, the south by the Ashland Oak Mobile Home Community, and to the east by tracts that front on Ga 400 which will be future commercial uses. It is designated on the Future Land Use Plan as Residential Multi-Family which is precisely what is proposed. We are proposing a 48-home Townhome Community. The proposed higher density residential use will provide a transition from the commercial land use along Ga 400 to the more rural residential areas that currently exist. There is currently another property zoned RMF to the southwest further down Lee Castleberry Rd that is currently being permitted and will soon be under construction. That tract was rezoned to RMF under court order in 2000.

The neighborhood will provide a much needed solution for younger families and support the workforce resonating in the Ga 400 Corridor without placing an extreme burden upon our transportation infrastructure.

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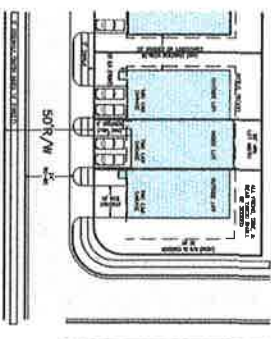
**SITE LOCATION MAP**



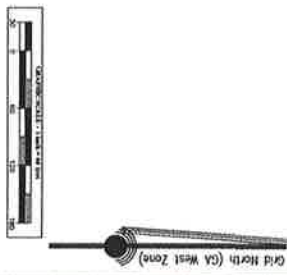
**SITE DATA**

Locating Point: 26' x 100' x 100' x 100' (4000 sq ft)  
 Total Site Area: 8277 sq ft  
 Total Lot Area: 40 (000) sq ft  
 Total Units: 2 (100)  
 Max Density: 2.40 (240%)  
 Open Space Provision: 1.20% (12%) (Minimum 20% Required)

**TYPICAL LOT LAYOUT  
FRONT ENTRY 26 FT. WIDE  
TOWNHOMES**



**TYPICAL LOT LAYOUT  
REAR ENTRY 26 FT. WIDE  
TOWNHOMES**



<p>NOTARY DAWSON COUNTY INSPECTOR AT/PIN 34-8-88 BEGINNING PHASE OF CONSTRUCTION.</p> <p><b>GEORGIAM&amp;I</b> 1100 Peachtree Street, N.E. Atlanta, Georgia 30309 Phone: 404.525.8800</p>	<p>PROJECT TITLE <b>CONCEPT PLAN</b></p>	<p>LOCAL/DBP IN LAND LOTS - 1st DISTRICT - SECTION DAWSON COUNTY, GEORGIA</p>	<p>OWNER/DEVELOPER: <b>STARK LAND AND DEVELOPMENT, LLC</b> 10000 RIVERSIDE DRIVE ROSEMONT, ILLINOIS 60018 PHONE: 708-232-3829</p>	<p>24-HOUR CONTACT: <b>BILL STARK</b> 708-232-3829</p>	<p>DATE: 10/1/2023</p>
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SHEET 1 OF 1

### Owner Information

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RUCKER JEANETTE

### Payment Information

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Status	Paid
Last Payment Date	04/08/2021
Amount Paid	\$1,934.71

### Property Information

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Parcel Number	107 259
District	1 DAWSON COUNTY UNINCORPORATED
Acres	8
Description	LL 498 LD 13 S-1
Property Address	311 LEE CASTLEBERRY RD
Assessed Value	\$156,800
Appraised Value	\$392,000

### Bill Information

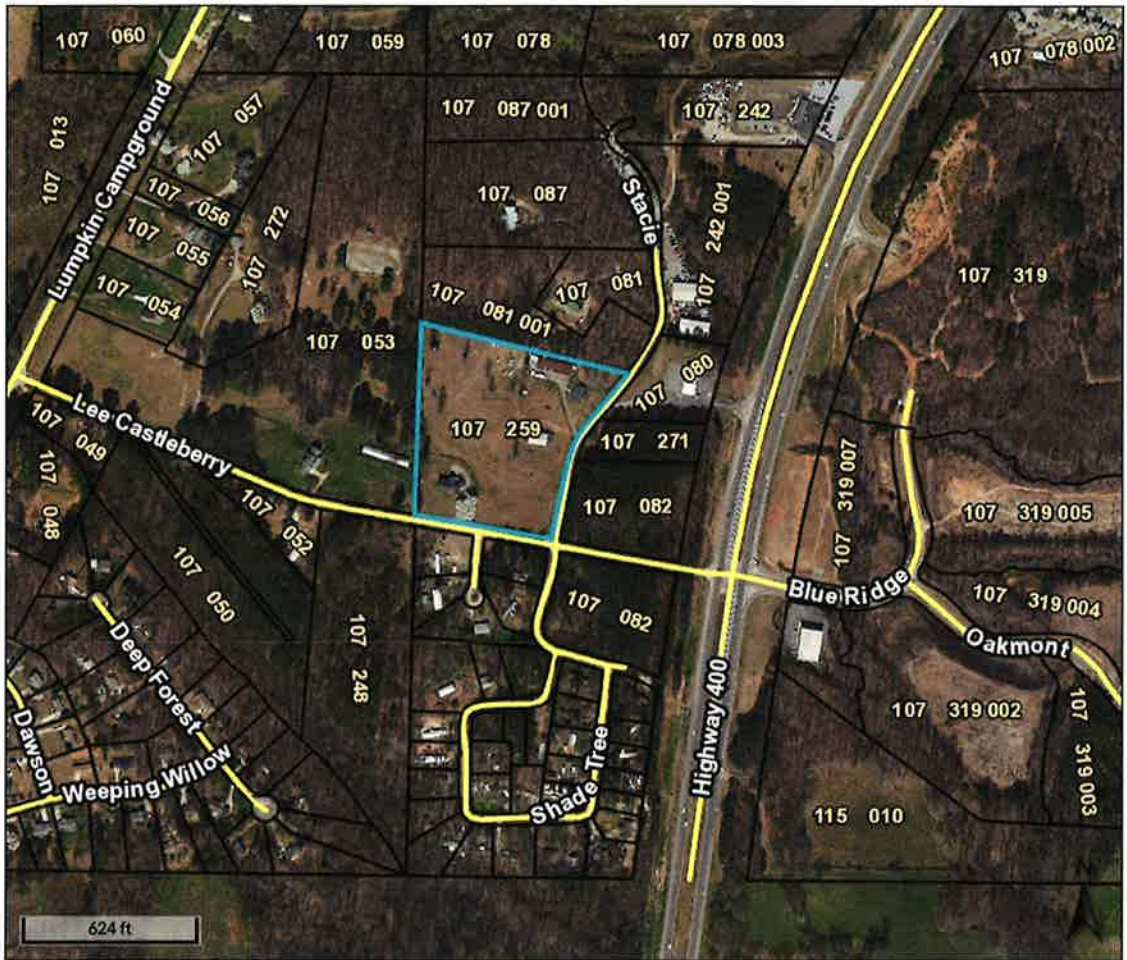
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Record Type	Property
Tax Year	2020
Bill Number	12148
Account Number	37890
Due Date	12/01/2020

### Taxes

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Base Taxes	\$1,888.30
Penalty	\$0.00
Interest	\$33.91
Other Fees	\$12.50
<b>Total Due</b>	<b>\$0.00</b>



**Overview**



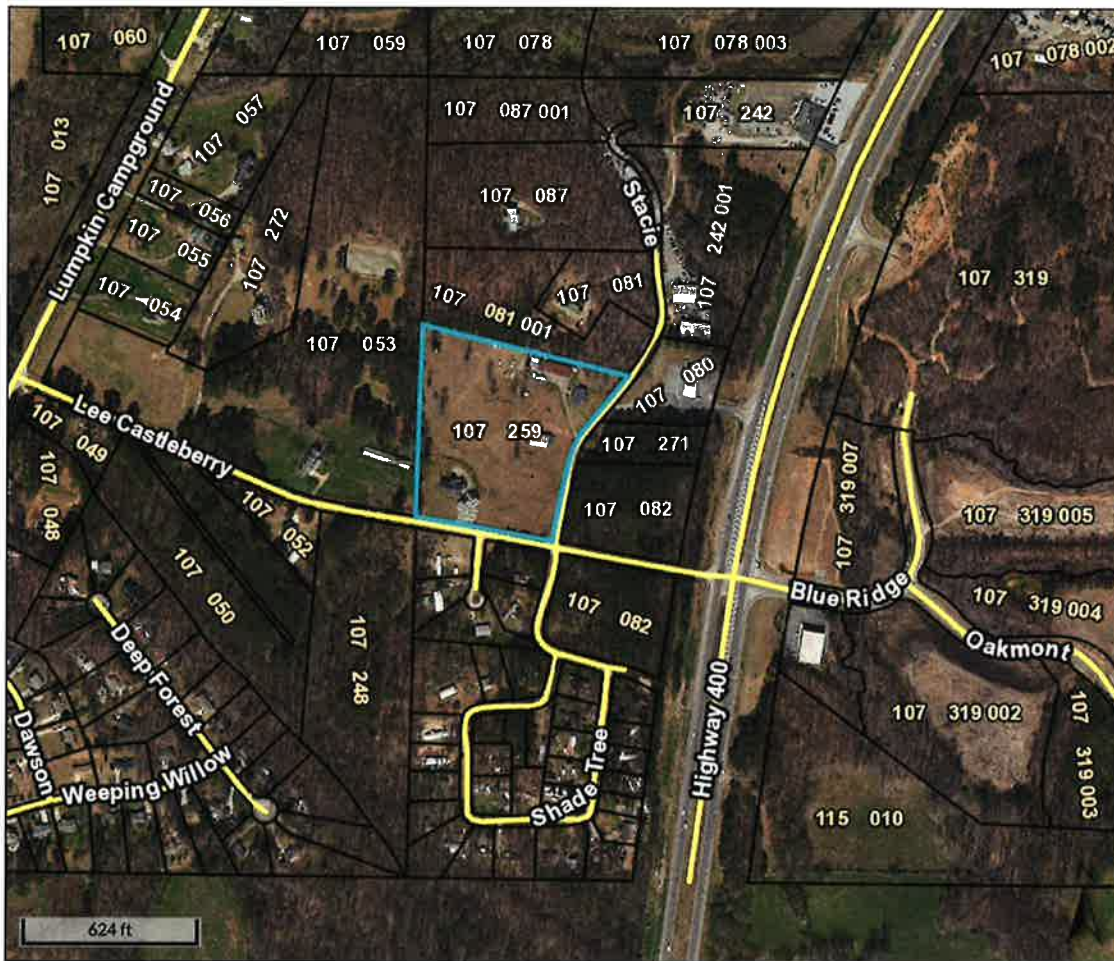
**Legend**

- Parcels

Parcel ID: 107 259  
Alt ID: 7929  
Owner: RUCKER JEANETTE  
Acres: 8  
Assessed Value: \$462900

Date created: 8/13/2021  
Last Data Uploaded: 8/13/2021 9:31:32 AM

Developed by 



Overview



Legend

 Parcels

Parcel ID: 107 259  
Alt ID: 7929  
Owner: RUCKER JEANETTE  
Acres: 8  
Assessed Value: \$462900

Date created: 8/13/2021  
Last Data Uploaded: 8/13/2021 9:31:32 AM

Developed by  **Schneider**  
GEOSPATIAL



THIS DOCUMENT IS A PRELIMINARY SURVEY AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

DATE: 05/20/2014  
 TIME: 10:30 AM  
 PROJECT: STARK LAND AND DEVELOPMENT, LLC  
 311 LEE CASTLEBERRY ROAD  
 DISTRICT 1ST SECTION, DAWSON COUNTY, GEORGIA  
 SURVEYOR: JIM GEORGIAS



**LEGEND**

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

2. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

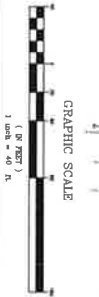
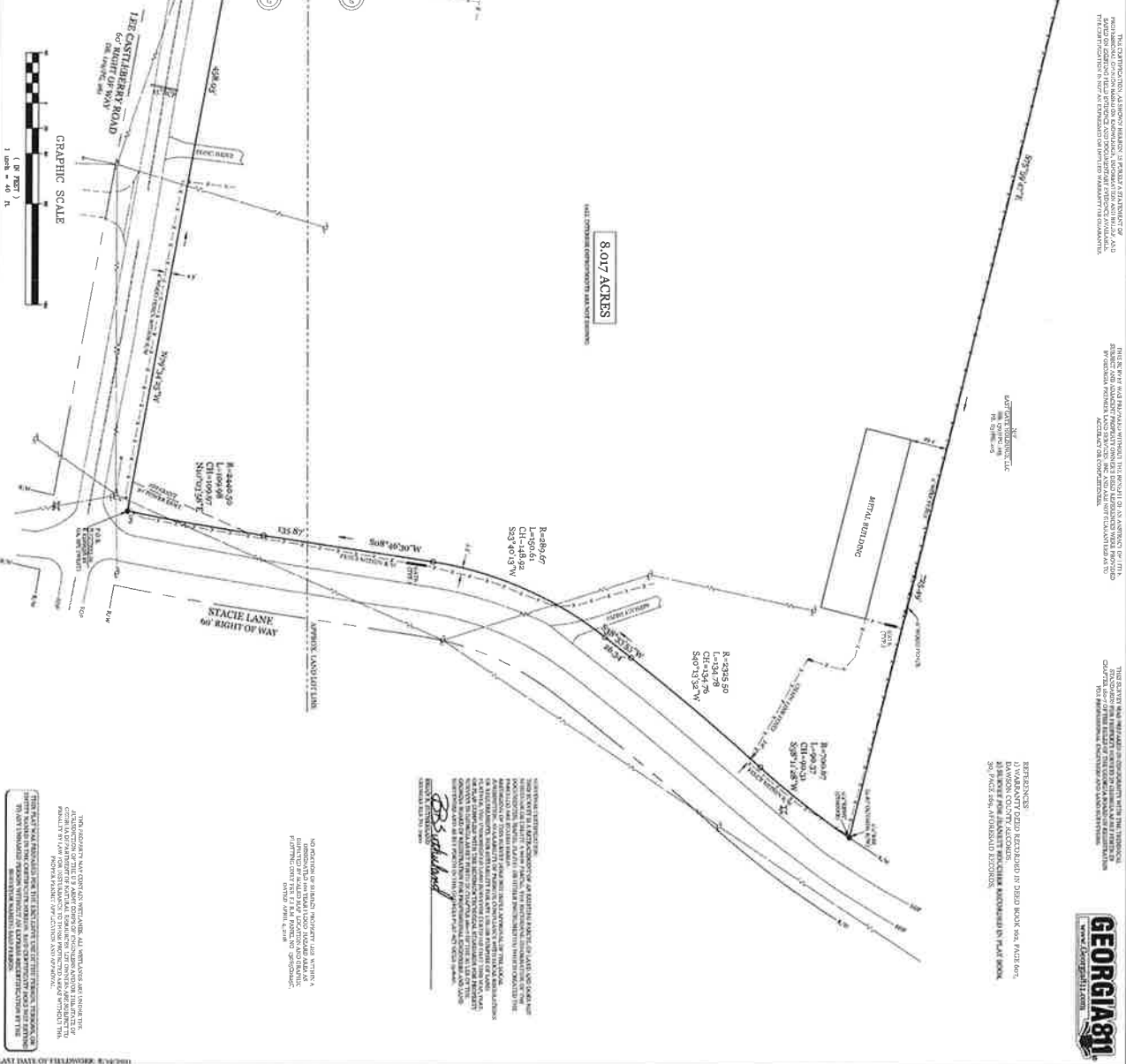
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

4. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

5. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

A. TRIMBLE S7 TOTAL STATION WAS USED TO OBTAIN THE POINTS AND ANGLES SHOWN ON THIS SURVEY. THE FIELD DATA WERE CHECKED BY THE SURVEYOR AND FOUND TO BE CORRECT. THE FIELD DATA WERE CHECKED BY THE SURVEYOR AND FOUND TO BE CORRECT. THE FIELD DATA WERE CHECKED BY THE SURVEYOR AND FOUND TO BE CORRECT.

THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT.



THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

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THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARD OF CARE AND SHALL NOT BE EXTENDED TO ANY OTHER PURPOSES.

REFERENCES:  
 1. VARIATION DEEDS LOCATED IN DEED BOOK 604, PAGE 604.  
 2. VARIATION DEEDS LOCATED IN DEED BOOK 604, PAGE 604.  
 3. VARIATION DEEDS LOCATED IN DEED BOOK 604, PAGE 604.

THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT. THE SURVEYOR HAS REVIEWED THE RECORD PLANS AND FOUND THEM TO BE CORRECT.

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DATE	NO	DESCRIPTION

RETRACEMENT SURVEY FOR:  
**STARK LAND AND DEVELOPMENT, LLC**  
 311 LEE CASTLEBERRY ROAD  
 LOCATED IN LAND LOTS 498 AND 543 IN SOUTH HALF OF THE 13TH LAND DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA SCALE 1"=40'

**GEORGIA PREMIER LAND SERVICES, INC.**  
 PROFESSIONAL LAND SURVEYING  
 3010 HAMILTON MILL ROAD  
 BUCKLEY, GEORGIA 30606  
 (770) 614-3004 FAX (770) 614-3956  
 LAND SURVEYING CDA #1177

21 AUG 13 11:51 AM

# DAWSON COUNTY VARIANCE APPLICATION

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

VR 21.14 Tax Map & Parcel # (TMP): 107.259  
 Current Zoning: R-A Commission District #: 4  
 Submittal Date: 8.13.21 Time: 11:51 am/pm Received by: WJG (staff initials)  
 Fees Assessed: 350 Paid: CHECK  
 Planning Commission Meeting Date: September 21, 2021  
~~Board of Commissioners Meeting Date: October 21, 2021~~

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jim King  
 Address: \_\_\_\_\_  
 Phone:  Listed \_\_\_\_\_ Email:  Business \_\_\_\_\_  
 Unlisted \_\_\_\_\_  Personal \_\_\_\_\_  
 Status: [ ] Owner  Authorized Agent [ ] Lessee [ ] Option to purchase

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

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

## PROPERTY INFORMATION

Street Address of Property: \_\_\_\_\_  
NW CORNER OF STACIE LANE AND LEE CASTLEBERRY RD.  
 Land Lot(s): \_\_\_\_\_ District: \_\_\_\_\_ Section: \_\_\_\_\_  
 Subdivision/Lot: \_\_\_\_\_ Building Permit #: \_\_\_\_\_ (if applicable)

Directions to the Property: Ga 400 North to SR 53 West, North on Lumpkin Campground Rd, Property is a half-mile on the right (just before the graded site under construction)

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**REQUESTED ACTION**

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

If other, please describe: Article III Section 308.C.6.B - Vary the driveway width

Type of Variance requested:

Front Yard  Side Yard  Rear Yard variance of \_\_\_\_\_ feet to allow the structure to:

be constructed;  remain a distance of \_\_\_\_\_ feet from the: \_\_\_\_\_

property line,  road right of way, or  other (explain below):

instead of the required distance of \_\_\_\_\_ required by the regulations.

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

Sign Variance for: \_\_\_\_\_

Home Occupation Variance to operate: \_\_\_\_\_ business

Other (explain request): Vary from the required 10' driveway width. Adequate Parking will be provide via a 2-car garage and a driveway capable of supporting 2 additional guest parking.

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

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

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: The RMF ordinance states that there must be a driveway width no greater than 10 feet. This requirement would preclude any home from having a double garage, which is industry standard in today's society. We are providing a double garage with a 20'-wide driveway which will allow 2 additional cars to be parked in front if necessary for guests. By doing this, there will not be a need for additional on-street parking:

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2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: Described above in #1

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

It does not harm anyone. 2-car garages and driveways capable of parking 2 guests are todays standard

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

Because the Resolution should not impose hardships on others. This variance seeks to correct that issue

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

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

NOTARY PUBLIC

# PROPERTY OWNER AUTHORIZATION

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

311 LEE CASTLEBERRY RD, Dawsonville GA 30534 Tax Parcel #107 259

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: Jim King

Signature of applicant or agent: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

Printed Name of Owner(s): Jeanette Rucker

Signature of Owner(s): Larry William Rucker Date: 08/12/2021

Mailing address: \_\_\_\_\_

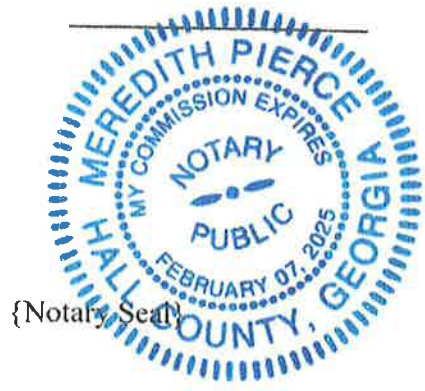
City, State, Zip: \_\_\_\_\_

Telephone Number \_\_\_\_\_

Sworn and subscribed before me this 12 day of July, 2021.

Meredith Pierce  
Notary Public

My Commission Expires: 2/7/2025



(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.)

2020 OCT 11 11:48 AM

IN THE PROBATE COURT OF DAWSON COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

SHERRY JEANETTE RUCKER,  
DECEASED

)  
)  
)  
)

ESTATE NO.

ORDER ADMITTING WILL TO PROBATE IN SOLEMN FORM

An alleged Last Will and Testament dated November 17, 2014 was propounded, as amended by Consent Judgement file stamped March 13, 2020 and the Settlement Agreement incorporated therein. Lanny William Rucker and Ronnie James Rucker were nominated Personal Representatives by the Testator. Ronnie James Rucker renounced his right to serve as such Executor on October 27<sup>th</sup>, 2020 and such renunciation was filed with this Court on October 27<sup>th</sup>, 2020. The Court finds that the Decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above County. The Court further finds that all of the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will (is self-proving) (has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the Will dated November 17, 2014, as amended by Consent Judgement file stamped March 13, 2020 and the Settlement Agreement incorporated thereto is established as the Last Will and Testament of the Decedent ("the Decedent's Will"); that the Will be admitted to record as proven in Solemn Form; and, that the nominated Executor Lanny William Rucker named above have leave to qualify as Personal Representatives by taking the required oath, after which Letters Testamentary shall issue. The Clerk shall serve the Personal Representatives with copies of this Order and the Letters upon qualification.

IT IS FURTHER ORDERED that the Personal Representatives shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that: *[initial all that apply]*

- \_\_\_\_\_ (a) An inventory shall be filed.
- \_\_\_\_\_ (b) Annual returns shall be filed.
- \_\_\_\_\_ (c) Letters of Testamentary Conservatorship shall issue to

\_\_\_\_\_ (d) Letters of Testamentary Guardianship shall issue to

SO ORDERED this 28<sup>th</sup> day of Oct., 2020

*Jennifer Burt*

Judge of the Probate Court

GEORGIA DAWSON COUNTY  
This is to certify that the within document  
is a true and correct copy of the original on file  
in this office  
this 2<sup>nd</sup> day of Nov., 2020

2017 NOV 20 11:53 AM

IN THE PROBATE COURT OF Dawson COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF

Sherry Jeanette Rucker  
DECEASED

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)

ESTATE NO. \_\_\_\_\_

LETTERS TESTAMENTARY  
[Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated November 17, 2014  
(and Codicil(s) dated \_\_\_\_\_) of the above-named Decedent, who was  
domiciled in this County at the time of his or her death or was domiciled in another state but owned  
property in this County at the time of his or her death, was legally proven in Solemn Form to be  
the Decedent's Will and was admitted to record by order, and it was further ordered that  
Lanny William Rucker, named as Executor(s) in said Will, be  
allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

THEREFORE, the Executor(s), having taken the oath of office and complied with all  
necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise  
all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and  
the law.

Given under my hand and official seal, the 2nd day of November, 2020.

*Jennifer Burt*  
Judge of the Probate Court

NOTE: The following must be signed if the  
Judge does not sign the original of  
this document:

Issued by:

[Seal]

\_\_\_\_\_  
Clerk of the Probate Court

GEORGIA DAWSON COUNTY  
This is to certify that the within document  
is a true and correct copy of the original on file  
In this office  
this 2nd day of NOV., 2020  
*Alice Pullen*  
Clerk, Probate Court

20141117001

IN THE PROBATE COURT OF Dawson COUNTY  
STATE OF GEORGIA

IN RE: ESTATE OF )  
Sherry Jeanette Rucker )  
DECEASED )

ESTATE NO. \_\_\_\_\_

LETTERS TESTAMENTARY  
[Relieved of Filing Returns]

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all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and  
the law.

Given under my hand and official seal, the 2nd day of November, 2020.

*Jennifer Burt*  
Judge of the Probate Court

NOTE: The following must be signed if the  
Judge does not sign the original of  
this document:

Issued by:

[Seal]

\_\_\_\_\_  
Clerk of the Probate Court

GEORGIA DAWSON COUNTY  
This is to certify that the within document  
is a true and correct copy of the original on file  
in this office  
this 2nd day of Nov., 2020  
*[Signature]*  
Clerk, Probate Court



VR# \_\_\_\_\_

TMP# \_\_\_\_\_

### List of Adjacent Property Owners

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

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

Name

Address

TMP _____	1.	_____
TMP _____	2.	_____
TMP _____	3.	_____
TMP _____	4.	_____
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TMP _____	11.	_____
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TMP _____	15.	_____

Use additional sheets if necessary.

2144013 4504

**APPLICANT CERTIFICATION**

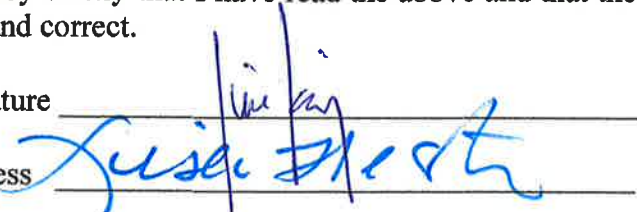
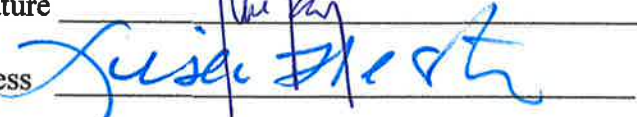
I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

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

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

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

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

Signature   
Witness 

Date 8/9/2021  
Date 8/9/2021

**WITHDRAWAL**

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

I hereby withdraw application # \_\_\_\_\_

Signature 

Date \_\_\_\_\_

**Withdrawal of Application:**

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

PLANNING & DEVELOPMENT DEPARTMENT

**APPLICATION PROCESSING: STAFF USE ONLY**

VR \_\_\_\_\_ Applicant Name: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_

IF APPLICABLE:

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

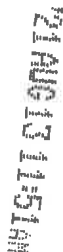
**Planning Commission & Board of Commissioners Actions**

Planning Commission Recommendation Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

If Denied by Planning Commission was decision appealed?  Yes  No

Board of Commissioners Decision Date: \_\_\_\_\_  Approval  Approval w/stipulations  Denial

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



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

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



I am a United States citizen.

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

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

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

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

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

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

Executed in Dawsonville (city), Georgia (state)

08/09/2021

Date

Signature of Applicant

Jim King

Printed Name

Ensite Civil Consulting, LLC

Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 9 DAY OF August, 2021

Lisa Hester

Notary Public

My Commission Expires: 8/30/2021



21 AUG 13 11:51 AM

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

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

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





### Owner Information

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BUCKER JEANETTE

### Payment Information

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Status	Paid
Last Payment Date	04/08/2021
Amount Paid	\$1,934.71

### Property Information

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Parcel Number	107 259
District	1 DAWSON COUNTY UNINCORPORATED
Acres	8
Description	LL 498 LD 13 S-1
Property Address	311 LEE CASTLEBERRY RD
Assessed Value	\$156,800
Appraised Value	\$392,000

### Bill Information

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Record Type	Property
Tax Year	2020
Bill Number	12148
Account Number	37890
Due Date	12/01/2020

### Taxes

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Base Taxes	\$1,888.30
Penalty	\$0.00
Interest	\$33.91
Other Fees	\$12.50
<b>Total Due</b>	<b>\$0.00</b>