

REVISED  
**DAWSON COUNTY REZONING APPLICATION**

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

ZA \_\_\_\_\_ Tax Map & Parcel # (TMP): \_\_\_\_\_

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

Fees Assessed: \_\_\_\_\_ Paid: \_\_\_\_\_ Commission District: \_\_\_\_\_

Planning Commission Meeting Date: \_\_\_\_\_

Board of Commissioners Meeting Date: \_\_\_\_\_

**APPLICANT INFORMATION** (or Authorized Representative)

Printed Name: FALL LEAF RESIDENTIAL LLC

Address: 1192 LONGCOURTE ATLANTA GA. 30327

Phone:  Listed 404-502-3305 Email:  Business nbwhitenbw8@gmail.com  
 Unlisted  Personal

Status: [ ] Owner [ ] Authorized Agent [ ] Lessee [X] 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: [Signature]

**PROPERTY OWNER/PROPERTY INFORMATION**

Name: JAMES HOLBROOK and TIM BYRD (deceased) by

Street Address of Property being rezoned: HIGHWAY 9 SOUTH  
JANET BYRD

Rezoning from: BSR to: BS-2 Total acreage being rezoned: 65

Directions to Property (if no address): \_\_\_\_\_

From Georgia Highway 400 take Dawson Forest Road  
west to Georgia Highway 9. North on Georgia Highway 9  
for 2.8 miles, property on left.

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

Current Use of Property: VACANT UNDEVELOPED

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

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

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

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

**SURROUNDING PROPERTY ZONING CLASSIFICATION:**

North BSR South BSR East BSR West RA

Future Land Use Map Designation: SUB RURAL RESIDENTIAL

Access to the development will be provided from:

Road Name: GEORGIA HIGHWAY 9 Type of Surface: PAVED

**REQUESTED ACTION & DETAILS OF PROPOSED USE**

Rezoning to: RS-2  Special Use Permit for: \_\_\_\_\_

Proposed Use: SINGLE FAMILY RESIDENTIAL

Existing Utilities:  Water  Sewer  Gas  Electric

Proposed Utilities:  Water  Sewer  Gas  Electric

**RESIDENTIAL**

No. of Lots: 120 Minimum Lot Size: 6500 (acres) No. of Units: 120

Minimum Heated Floor Area: 1800 sq. ft. Density/Acre: 1.85

Type:  Apartments  Condominiums  Townhomes  Single-family  Other

Is an Amenity Area proposed: YES; if yes, what? POOL/CABANA

**COMMERCIAL & INDUSTRIAL**

Building area: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_

**APPLICANT CERTIFICATION**


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

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

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

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

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

Signature 

Date 12-3-20

Witness 

Date 12-3-20

**WITHDRAWAL**

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

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

Signature \_\_\_\_\_

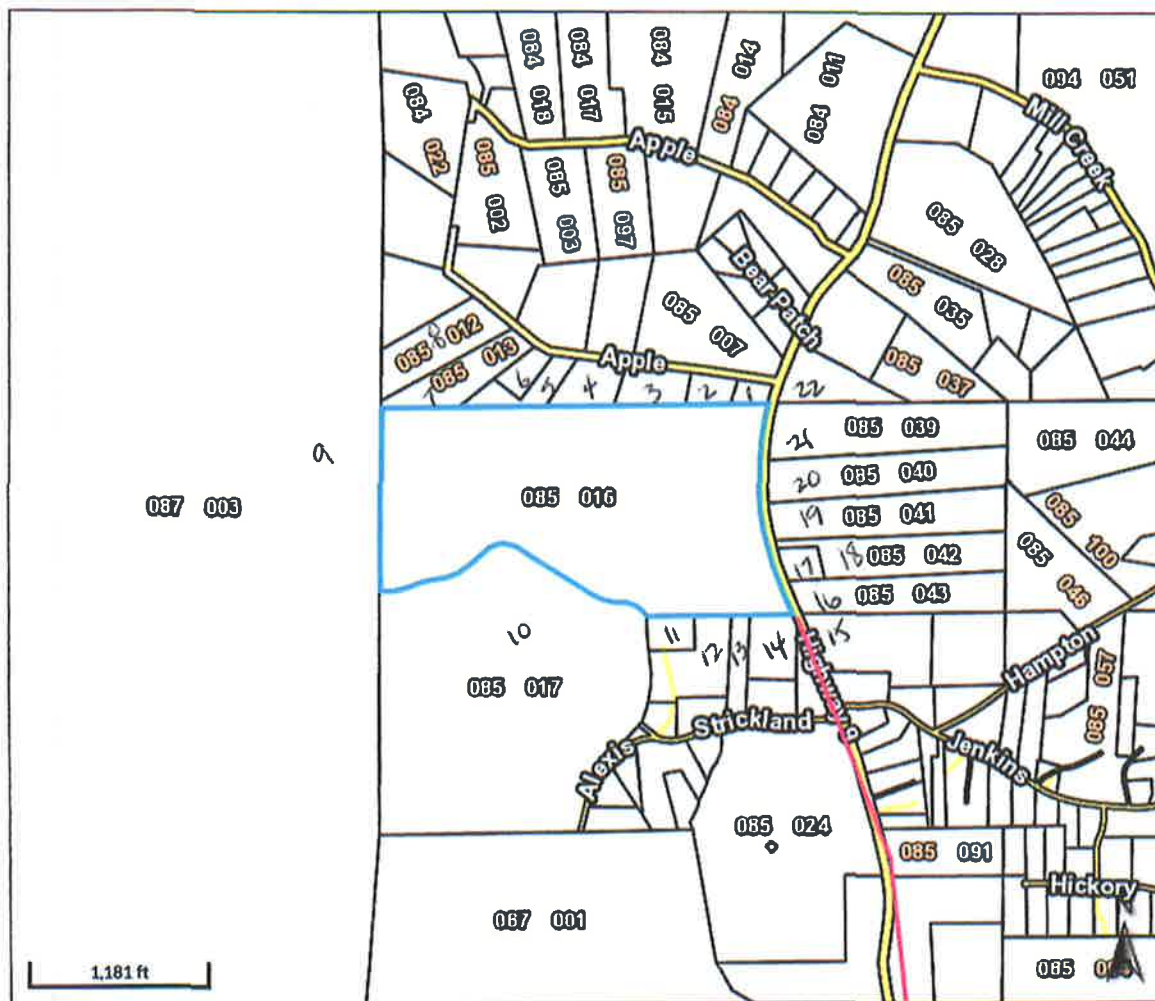
Date \_\_\_\_\_

**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.

2020 DEC 4 9:50AM





Overview



Legend

□ Parcels

Parcel ID: 085 016  
Alt ID: 5892  
Owner: HOLBROOK JAMES & TIM BYRD  
Acres: 66.02  
Assessed Value: \$628100

Date created: 9/15/2020  
Last Data Uploaded: 9/14/2020 11:51:52 PM

Developed by  Schneider  
GEOSPATIAL

2020 DEC 4 9:50 AM

ZA \_\_\_\_\_

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

**List of Adjacent Property Owners**

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

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

	<u>Name</u>	<u>Address</u>
TMP 085-102	1. Eagle Commercial LLC	4110 Heard Industrial Blvd Cumming Ga 30041
TMP 085-015	2. Eloise Hushes ; James ; Sharon Chambers	79 Apple Ridge 2 Dawsonville Ga 30534
TMP 085-103	3. Brenda J. Johnston	105 Apple Ridge 2 Dawsonville Ga 30534
TMP 085-014	4. Larry G. & Elizabethn Hamil	229 Apple Ridge 2 Dawsonville Ga 30534
TMP 085-014.001	5. Donald L. ; Rebecca A. Brown	241 Apple Ridge 2 Dawsonville Ga 30534
TMP 085-106	6. Crystal Larson	200 Clipper Court Alpharetta Ga 30005
TMP 085-013	7. Jeff Worley	321 Apple Ridge 2 Dawsonville Ga 30534
TMP 085-012	8. David R. ; Faye B. Mcallister	335 Apple Ridge 2 Dawsonville Ga 30534
TMP 087-003	9. City of Atlanta attn Jenifer Andrews	P.O. Box 20509 Atlanta Ga 30320
TMP 085-017	10. PPNJS LLC	P.O. BOX 286 Cumming Ga 30028
TMP 085-018.003	11. David H. ; Sara J. Croft	331 Strickland Drive Dawsonville Ga 30534
TMP 085-018	12. Sammy S. Strickland	280 Strickland Drive Dawsonville Ga 30534
TMP 085-019	13. Stephen D. & Lisa Freeman	128 Strickland Drive Dawsonville Ga 30534
TMP 085-020	14. Evelyn Shoemaker	2676 Hwy 9 South Dawsonville Ga 30534
TMP 085-048.001	15. Brody A. ; Brittany Shay Hughes	2611 Hwy 9 South Dawsonville Ga 30534

Use additional sheets if necessary.

2010 4 9:50 AM

ZA \_\_\_\_\_

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

**List of Adjacent Property Owners**

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

	<u>Name</u>	<u>Address</u>
TMP 085-043	16 Morris B. Hughes Jr	2531 Hwy 9 South Dawsonville Ga 30534
TMP 085-095	17 Roger & Pamela Gilleland	2507 Hwy 9 South Dawsonville Ga 30534
TMP 085-042	18 John & Renee D. Livingston	2493 Hwy 9 South Dawsonville Ga 30534
TMP 085-041	19 Joey & Betty Ann Bearden	2441 Hwy 9 South Dawsonville Ga 30534
TMP 085-040	20 India Hawkins	2411 Hwy 9 South Dawsonville Ga 30534
TMP 085-039	21 AKA India M. Bechtel Larry Grant	2345 Hwy 9 South Dawsonville Ga 30534
TMP 085-038	22 Clinton D. & Tammy Sheriff	P.O. Box 348 Dawsonville Ga 30534
TMP _____	8. _____	_____
TMP _____	9. _____	_____
TMP _____	10. _____	_____
TMP _____	11. _____	_____
TMP _____	12. _____	_____
TMP _____	13. _____	_____
TMP _____	14. _____	_____
TMP _____	15. _____	_____

Use additional sheets if necessary.

200804 950AM

# 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: *Norman White*

Applicant Printed Name: FALL LEAF RESIDENTIAL BY NORMAN WHITE

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

Date Signed: 12/3/20

Sworn and subscribed before me

this 3 day of DEC, 2020.

*Anna Le*

Notary Public

My Commission Expires: Aug 10, 2021



20DEC 4 950AM

**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:

NONE

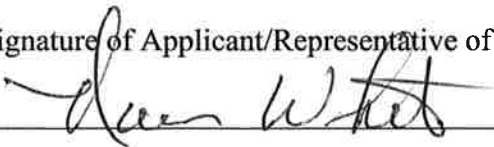
2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

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: 12-3-20

**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.

2010 4 9:50 AM



**PROPERTY OWNER AUTHORIZATION**

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

085 016

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: FALL LEAF RESIDENTIAL LLC

Signature of applicant or agent: [Signature] Date: 9-17-20

\*\*\*\*\*

Printed Name of Owner(s): James Holbrook

Signature of Owner(s): [Signature] Date: 9-17-20

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

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

Telephone Number:  Listed  Unlisted

Sworn and subscribed before me this 17 day of September, 2020.

[Signature]  
Notary Public

My Commission Expires: 03/10/2024



(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.)

20DEC 4 9:50AM

**PROPERTY OWNER AUTHORIZATION**

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

085 016

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: FALL LEAF RESIDENTIAL LLC  
Signature of applicant or agent: [Signature] Date: 9-17-20

\*\*\*\*\*

Printed Name of Owner(s): Tim Byrd by Janet Byrd, Executor  
Signature of Owner(s): [Signature] Date: 9-17-2020

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

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

Telephone Number:  Listed  Unlisted \_\_\_\_\_

Sworn and subscribed before me this 17 day of September, 2020.

Andrea Sullivan  
Notary Public

My Commission Expires: 03/10/2024



(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 4 9:50 AM

**Dawson County, Georgia Board of Commissioners**

**Affidavit for Issuance of a Public Benefit**

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

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

X I am a United States citizen.

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

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

Executed in Bechtelwood (city), GA (state)

Norm White  
Signature of Applicant

12/3/20  
Date

NORMAN WHITE  
Printed Name

FALL LEAT RESIDENTIAL  
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

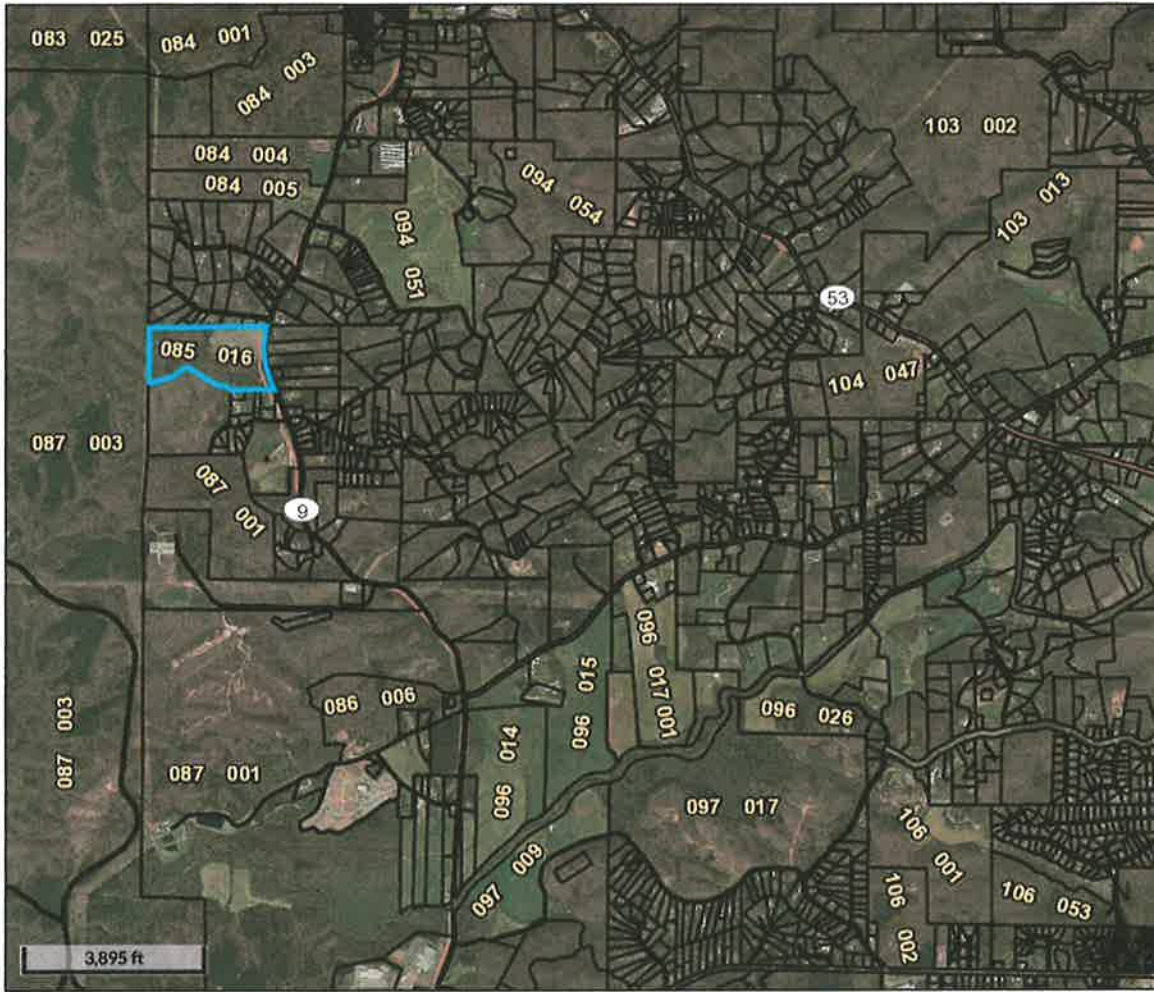
THIS 3 DAY OF DEC, 20 20

Anna Le Notary Public

My Commission Expires: Aug 10, 2021



20DEC 4 9:51AM



**Overview**



**Legend**

 Parcels

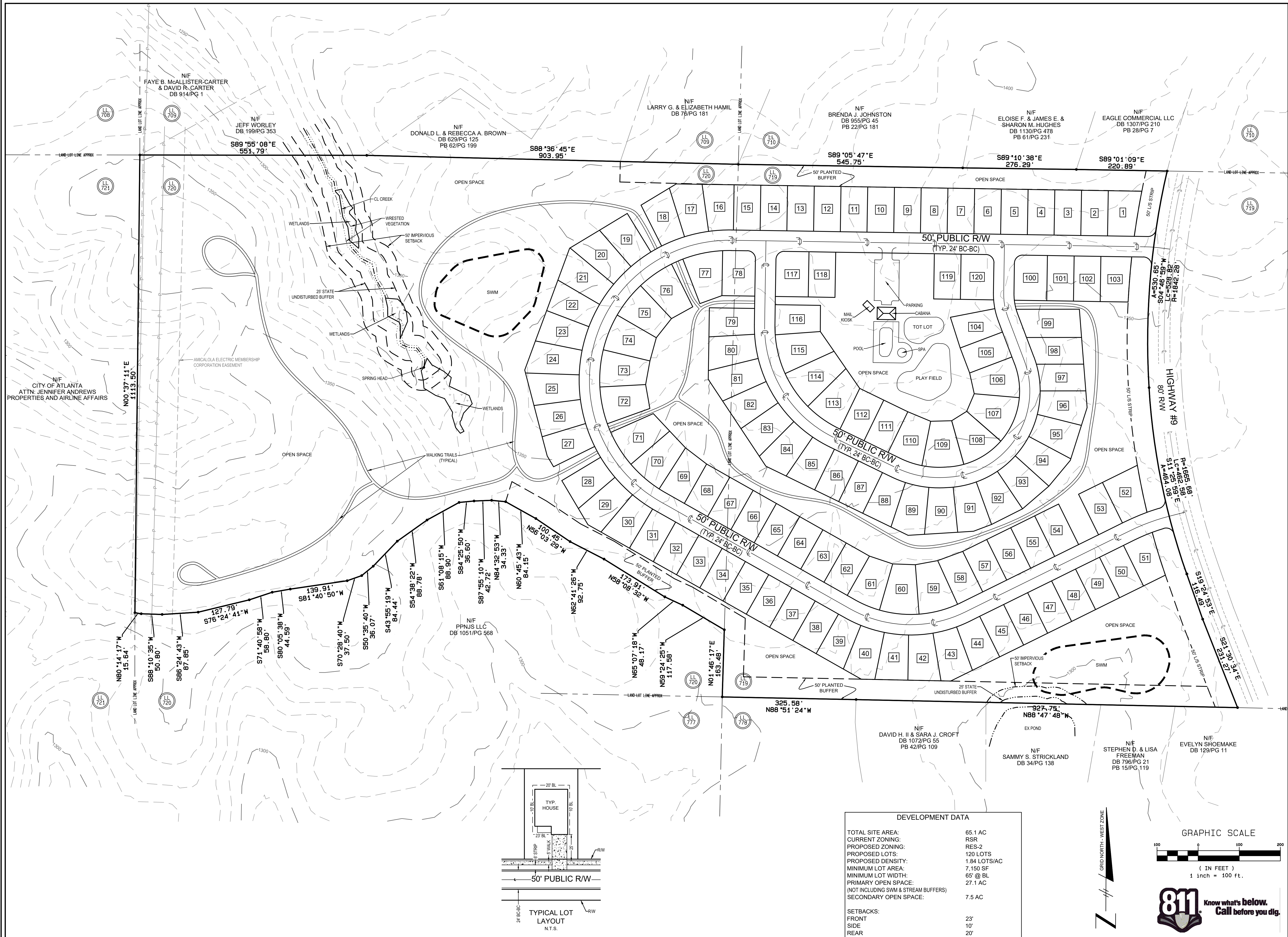
Parcel ID: 085 016  
Alt ID: 5892  
Owner: HOLBROOK JAMES & TIM BYRD  
Acres: 66.02  
Assessed Value: \$628100

Date created: 12/3/2020  
Last Data Uploaded: 12/3/2020 12:10:08 AM

Developed by  **Schneider**  
GEOSPATIAL

20DEC 4 9:51AM





**ZONING EXHIBIT**  
 FOR  
**HIGHWAY 9 TRACT**  
 LAND LOT 719 & 720 ~ 4TH DISTRICT ~ 1ST SECTION  
 DAWSON COUNTY, GEORGIA

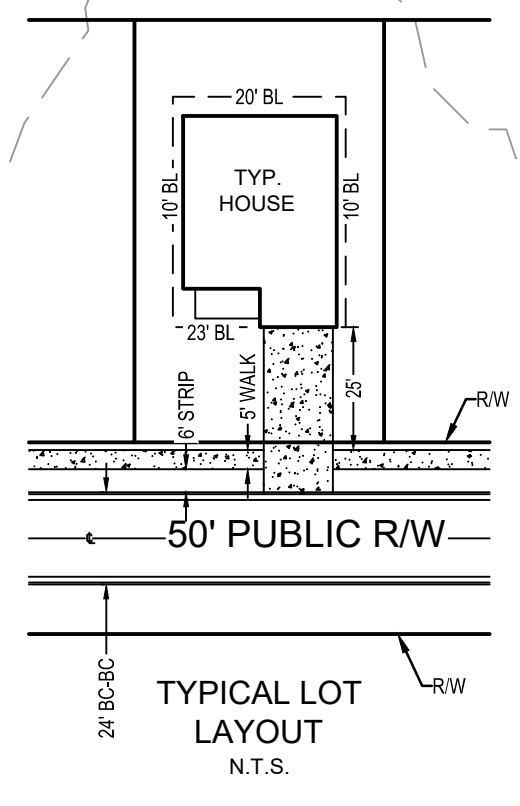
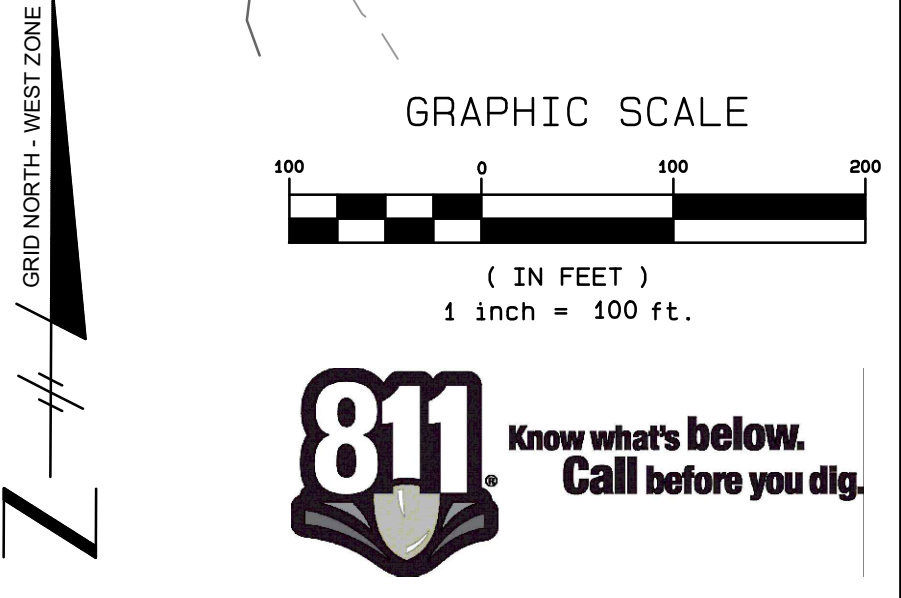
REVISIONS				
NO.	DATE	BY	DESCRIPTION	
1.	04/28/21	JJT	REVISE LAYOUT.	

**WATTS & BROWNING ENGINEERS, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 1349 OLD 41 HWY NW, SUITE #225  
 MARIETTA, GEORGIA 30060  
 PHONE: (678) 324-6192  
 FAX: (770) 694-6670  
 WWW.WBENGR.COM  
 LSF000429 - PEF000714

SCALE:	1" = 100'
DESIGNED BY:	DRC
DRAWN BY:	JJT
CHECKED BY:	DRC
INITIAL ISSUE DATE:	04/12/21
JOB NUMBER:	200326
SHEET NUMBER:	1

**DEVELOPMENT DATA**

TOTAL SITE AREA:	65.1 AC
CURRENT ZONING:	RSR
PROPOSED ZONING:	RES-2
PROPOSED LOTS:	120 LOTS
PROPOSED DENSITY:	1.84 LOTS/AC
MINIMUM LOT AREA:	7,150 SF
MINIMUM LOT WIDTH:	65' @ BL
PRIMARY OPEN SPACE:	27.1 AC
(NOT INCLUDING SWM & STREAM BUFFERS)	
SECONDARY OPEN SPACE:	7.5 AC





1956 4 2000



CHRISTOPHER PLANNING & ENGINEERING



11/26/2020  
CONTRACT NO. 20200101  
PROJECT NO. 20200101  
DATE: 02/17/2021  
12400 CHAMPLAIN ROAD  
SUITE 200-812  
ALPHARETTA, GA 30201  
PHONE: 770.531.7200

ZONING SITE PLANS  
FOR:  
**HWY 9  
DAWSON  
TRACT**  
AND LOTS 718-7207  
41 AND 42 ADJACENT TO HWY 9  
DAWSON COUNTY, GEORGIA

FOR:  
**FALL LEAF  
RESIDENTIAL  
LLC**

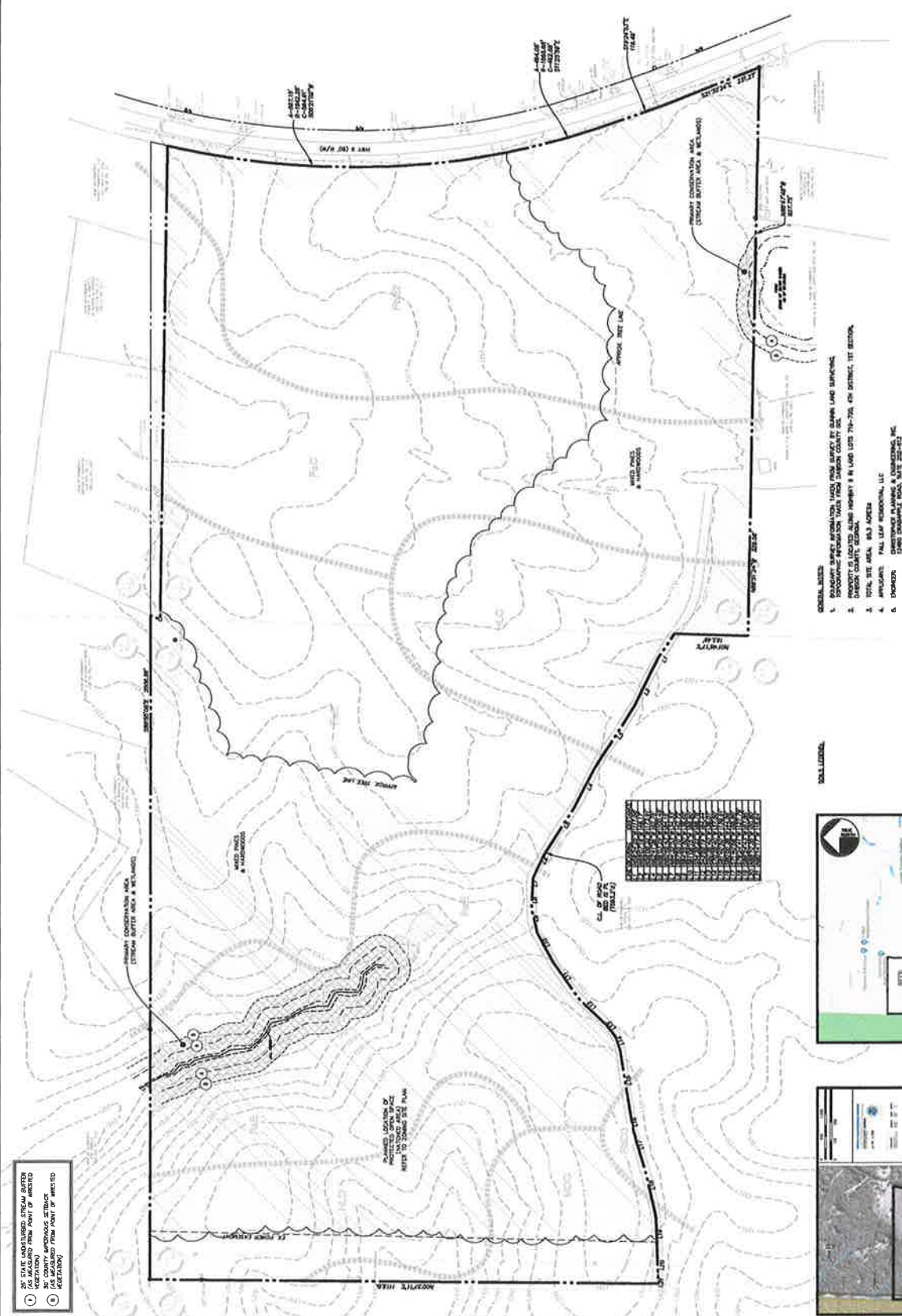
REVISIONS

NO.	DESCRIPTION

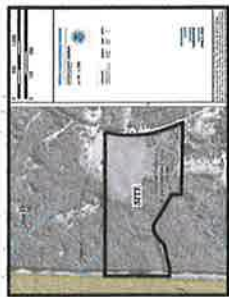
DATE: NOVEMBER 20, 2020  
DRAWING NO.: 20200101.02

SITE ANALYSIS  
MAP

SHEET NO. **S.1**



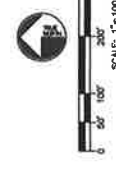
- 1. SEE STATE MAPS FOR STREAM BUFFER (AS REQUIRED FROM POINT OF INTEREST)
- 2. SEE COUNTY SPOTWATER SUBJECT
- 3. SEE PROPOSED FROM POINT OF INTEREST



VICINITY MAP  
SCALE 1"=2,000

FEMA MAP  
SCALE 1"=1,000

- GENERAL NOTES:**
1. PROPERTY BOUNDARIES SHOWN UNLESS OTHERWISE NOTED. STREAM BUFFER AREA PER REGULATORY REQUIREMENTS SHALL BE 100 FEET FROM STREAM CENTERLINE.
  2. PROPERTY IS LOCATED WITHIN PROPERTY # 14 LAND LOTS 718-7207, AND DISTRICT III SECTION.
  3. SEE SITE PLAN FOR LOTS.
  4. OWNER: FALL LEAF RESIDENTIAL, LLC
  5. DESIGNER: CHRISTOPHER PLANNING & ENGINEERING, INC. 12400 CHAMPLAIN ROAD, SUITE 200-812, ALPHARETTA, GA 30201. PHONE: 770.531.7200
  6. THE PORTION OF THIS SITE PLAN THAT IS NOT SHOWN ON THE FLOOD HAZARD MAP FOR THIS AREA PER THE FEDERAL FLOOD INSURANCE PROGRAM ACT IS NOT SHOWN ON THE FLOOD HAZARD MAP.
  7. ALL ADDITIONAL DETAILS OR MATERIALS SHALL BE BASED ON OR WITHIN 200 FT OF THE SITE BOUNDARY AND SHALL BE APPROVED BY EARTHQUAKE & SEISMIC AUTHORITY. NO WELLS OR OTHER STRUCTURES SHALL BE LOCATED WITHIN THE 100' FLOOD HAZARD ZONE.
  8. TO THE OWNER'S KNOWLEDGE, THIS SITE DOES NOT CONTAIN ANY KNOWN ARCHAEOLOGICAL SITES.
  9. THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE REGULATORY REQUIREMENTS OF THE STATE AND LOCAL AGENCIES. THE USER SHALL OBTAIN ALL NECESSARY PERMITS.



Topo Map

**2019 Property Tax Statement**

**Nicole Stewart**  
**Dawson County Tax Commissioner**  
 25 Justice Way, Suite 1222  
 Dawsonville, GA 30534

Bill Number	Due Date	CURRENT YEAR DUE
6780	12/1/2019	\$0.00

Payment Good Through:

Map: 085 016

Last payment made on: 11/21/2019

Location: HWY 9 S

HOLBROOK JAMES & TIM BYRD

Dear Taxpayer,

This is your current year Ad Valorem Property Tax Statement. This bill must be paid in full by December 1st in order to avoid interest and penalty charges. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the NEW OWNER and notify our office.

Thank you for the privilege to serve as your Tax Commissioner.  
 Nicole Stewart

**RETURN THIS FORM WITH PAYMENT**

**Nicole Stewart**  
**Dawson County Tax Commissioner**  
 25 Justice Way, Suite 1222  
 Dawsonville, GA 30534



Scan this code with your mobile phone to view or pay this bill

**Tax Payer:** HOLBROOK JAMES & TIM BYRD  
**Map Code:** 085 016  
**Description:** LL 709 719 721 LD 4  
**Location:** HWY 9 S  
**Bill Number:** 6780  
**District:** 1

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions
\$0.00	\$628,100.00	66.02	628100	12/1/2019	7/18/2019		SV

TAXING ENTITY	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax	
STATE TAX	628100	251240	227812	23628	0	0	0	0	
COUNTY M&O	628100	251240	227812	23628	13.079	309.03	0	191.13	
SALES TAX ROLLBACK	0	0	0	23628	-4.99	0	-117.9	0	
SCHOOL M&O	628100	251240	227812	23628	15.778	372.8	0	372.8	
<b>TOTALS</b>						<b>23.867</b>	<b>681.83</b>	<b>-117.90</b>	<b>563.93</b>

You can pay your bill in person, by mail, online at [www.dawsoncountytax.com](http://www.dawsoncountytax.com), or at the drop box in front of the courthouse at the crosswalk. If postmarked after December 1st, interest at a rate prescribed by law will be added monthly. An additional penalty as prescribed by law will be added every 120 days. If the bill is marked appealed, then this is only 85% of the total bill pending.

NO PAYMENT CONTRACTS WILL BE ALLOWED.

Current Due:	\$563.93
Penalty:	\$0.00
Interest:	\$0.00
Other Fees:	\$0.00
Back Taxes:	\$0.00
Amount Paid:	\$563.93
<b>TOTAL DUE:</b>	<b>\$0.00</b>

2020 DEC 4 3:55 AM

GEORGIA, DAWSON COUNTY  
CLERK'S OFFICE, SUPERIOR COURT  
FILED FOR RECORD

AT 1:20 P.M. 7/2/08  
Recorded in Deed Book 873 Page 623  
This 3 day of July 20 08

*Shelly McCord*

Clerk  
042-08-000835  
DAWSON COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX

PAID \$ 344.80 XX

DATE July 3, 08  
*Shelly McCord*

BECKY MCCORD, CLERK  
SUPERIOR COURT

Prepared by/return to:  
Shelly Townley Martin  
133 Prominence Court  
Suite 110  
Dawsonville, GA 30534  
Deed Preparation Only-  
No Title Search Performed

WARRANTY DEED

GEORGIA, DAWSON COUNTY

T.B. JB

THIS INDENTURE, made this 2<sup>nd</sup> day of ~~June~~ July, 2008, between BYRD-HOLBROOK ALL PURPOSE PAVING, INC., Grantor, and JAMES HOLBROOK and TIM BYRD, Grantee,

WITNESSETH:

That the said Grantor, for and in consideration of TEN (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said Grantee the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots 719 and 720 of the 4<sup>th</sup> District, 1<sup>st</sup> Section of Dawson County, Georgia, containing 66.02 acres, more or less, according to a plat of survey for James Rives prepared by Leonard A. Savage, GRLS, dated August 31, 1984, recorded in Plat Book 25, Page 59 of the Dawson County Records. Said plat being incorporated herein and made a part hereof by reference.

Subject to all easements, covenants, and restrictions of record or currently in use.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances unto the said Grantee, forever in FEE SIMPLE, and the said Grantor WARRANTS the title to same against the lawful claims of all persons whomsoever.

Whenever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Signed, sealed and delivered in the presence of:

Byrd-Holbrook All Purpose Paving, Inc.

*Lucretia Thompson*  
Unofficial Witness

By: *Tim Byrd* (SEAL)  
Tim Byrd, Vice President

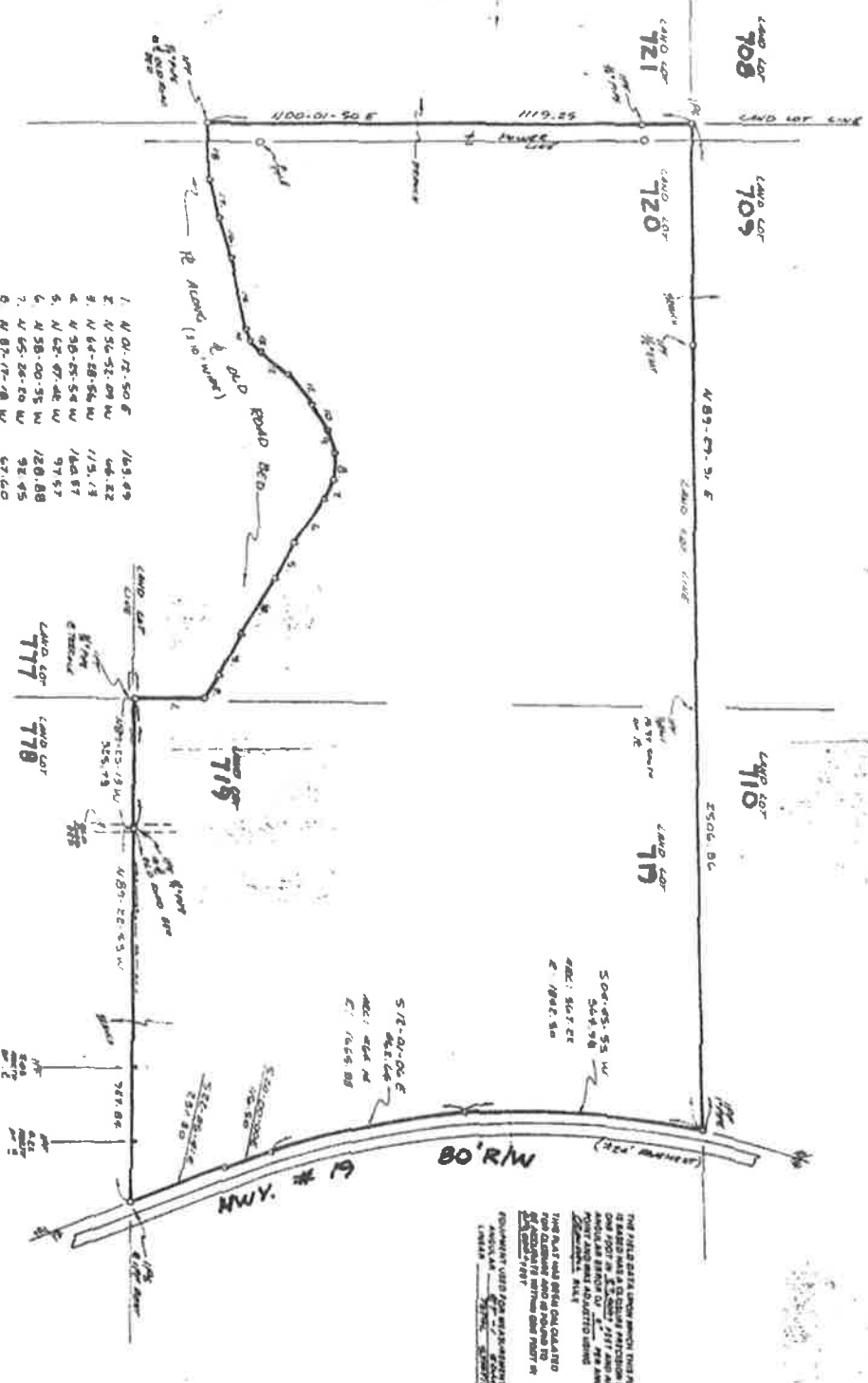
*Shelly Townley Martin*  
Notary Public  
My commission expires: (SEAL)



Attest: *Janet Byrd*  
Janet Byrd, Secretary



2008 DEC 4 05:58 PM



BE: 1800-01-50.0  
 BE: 1800-01-50.0  
 BE: 1800-01-50.0  
 BE: 1800-01-50.0  
 BE: 1800-01-50.0

1	N 01-21-50.0	163.09
2	N 56-52-09 W	46.82
3	N 64-28-56 W	113.73
4	N 38-55-54 W	162.87
5	N 62-07-48 W	97.57
6	N 38-00-35 W	120.88
7	N 65-28-20 W	92.45
8	N 07-17-48 W	67.60
9	S 75-56-36 W	67.07
10	S 60-47-43 W	72.04
11	S 54-10-03 W	96.64
12	S 43-10-03 W	84.09
13	S 52-47-40 W	94.77
14	S 72-10-10 W	23.44
15	S 60-13-28 W	178.03
16	S 73-00-30 W	108.17
17	S 76-00-07 W	96.03
18	S 07-25-48 W	706.89



GEORGIA DAWSON COUNTY  
 CLERK OF THE SUPERIOR COURT  
 REGISTRATION DIVISION  
 # 83854 1-3-90  
 Booked to Book 225 Page 58  
 Sub. BY RECORD 11/20/90  
 [Signature]

THE FIELD DATA SURVEYOR, THIS PLAT  
 IS BASED ON A LOCAL MEASUREMENT OF  
 ONE FOOT IN LENGTH, 25.4 MILLIMETERS  
 IN LENGTH, AND AN ASSUMED MEAN  
 SEA LEVEL. THE PLAT IS NOT TO BE  
 CONSIDERED AS A BASIS FOR ANY  
 RIGHTS OR INTERESTS IN REAL ESTATE  
 UNLESS SO INDICATED BY THE PLAT  
 SURVEYOR'S SIGNATURE AND SEAL.  
 [Signature]



**66.02 ACRES**  
**JAMES RIVES**  
 LAND LOTS 719 AND 720  
 4TH DISTRICT - 1ST SECTION  
 DAWSON COUNTY, GEORGIA

20 DEC 4 95 AM

Survey and Assoc.  
 DAWSONVILLE, GA 30134





Written Description:  
Highway 9 Dawson

All that tract or parcel of land lying and being in Land Lots 719 and 720 of the 4th District, 1st Section, Dawson County, Georgia, and being more particularly described as follows:

**TO FIND THE TRUE POINT OF BEGINNING, COMMENCE** at a 1/2" rebar found at the northwest corner of Land Lot 720, said corner being common to Land Lots 708, 709, 720, and 721, said point being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;**

thence along the common line of Land Lots 709 and 720 the following courses and distances: S89°55'08"E for a distance of 551.79 feet to a 1/2" rebar found; S88°36'45"E for a distance of 903.95 feet to a 1/2" rebar found; thence along the common line of Land Lots 710 and 719 the following courses and distances: S89°05'47"E for a distance of 545.75 feet to a 1-1/2" open top pipe found; S89°10'38"E for a distance of 276.29 feet to a 5/8" rebar found; S89°01'09"E for a distance of 220.89 feet to a 1/2" rebar set at the westerly right of way of Georgia Highway No. 9 (80' right of way); thence along said westerly right of way the following courses and distances: 530.65 feet along the arc of a curve to the left, said curve having a radius of 1842.28 feet and being subtended by a chord of S04°46'59"W, 528.82 feet to a point; 464.08 feet along the arc of a curve to the left, said curve having a radius of 1665.68 feet and being subtended by a chord of S11°25'59"E, 462.58 feet to a point; S19°24'53"E for a distance of 116.49 feet to a point; S21°30'34"E for a distance of 231.27 feet to a 3/4" open top pipe found at the intersection of said westerly right of way and the common line of land lots 719 and 778; thence leaving said westerly right of way and along said Land Lot Line the following courses and distances: N88°47'48"W for a distance of 927.75 feet to a point; N88°51'24"W for a distance of 325.58 feet to a 1/2" open top pipe found at the southwest corner of Land Lot 719, said corner being common to Land Lots 719, 720, 777, and 778; thence along the common line of Land Lots 719 and 720 N01°46'17"E for a distance of 163.48 feet to a 1/2" open top pipe found at the center of an old road bed; thence along the centerline of said old road bed, following the meanderings thereof, for a distance of 1593.2 feet, more or less, to a 1/2" rebar set, said old road bed following a traverse line as follows: N59°24'25"W for a distance of 117.58 feet to a point; N65°07'18"W for a distance of 48.17 feet to a point; N58°08'32"W for a distance of 173.91 feet to a point; N62°41'26"W for a distance of 92.75 feet to a point; N56°03'29"W for a distance of 100.45 feet to a point; N60°45'43"W for a distance of 84.15 feet to a point; N84°32'53"W for a distance of 34.33 feet to a point; S87°55'10"W for a distance of 42.72 feet to a point; S84°25'50"W for a distance of 36.60 feet to a point; S61°08'15"W for a distance of 88.90 feet to a point; S54°38'22"W for a distance of 88.78 feet to a point; S43°55'19"W for a distance of 84.44 feet to a point; S50°35'40"W for a distance of 36.07 feet to a point; S70°28'40"W for a distance of 37.50 feet to a point; S81°40'50"W for a distance of 139.91 feet to a point; S80°05'38"W for a distance of 44.59 feet to a point; S71°40'58"W for a distance of 58.80 feet to a point; S76°24'41"W for a distance of 127.79 feet to a point; S86°24'43"W for a distance of 87.85 feet to a point; N88°10'35"W for a distance of 50.80 feet to a point; N80°14'17"W for a distance of 15.64 feet to a 1/2" rebar set at the common line of Land Lots 720 and 721; thence leaving said old road bed and along said Land Lot Line N00°37'11"E for a distance of 1113.50 feet to a 1/2" rebar found, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 65.112 acres, more or less.

2006 4 9 5 11 AM



FALL LEAF RESIDENTIAL, LLC  
1192 Longcourte Drive  
Atlanta, GA 30327

Dawson County Board of Commissioners  
Dawson County Planning Commission  
25 Justice Way  
Dawsonville, Ga. 30534

April 30, 2021

Re: Revised Rezoning Application 65 Acres, Georgia Highway 9

Please accept this revised letter outlining the plans for a 65 acre tract of land fronting on the west side of Georgia Highway 9, approximately 2.8 miles north of the Dawson Forest Road and Georgia Highway 9 intersection. We had originally submitted an application for an RS-3 Conservation rezoning, however, we have determined that we can make our development work under the RS-2 zoning classification.

We would like to revise our rezoning application to the RS-2 zoning classification to allow the development of a single-family conservation subdivision. The revised conservation site plan we have submitted shows 120 lots which is a density of 1.85 homes per acre on the 65 acre tract and 40% of the property is shown as open space. The open space will provide an opportunity for many passive recreation activities such as walking trails and a community picnic area and preserve much of the property in its natural habitat. We also show an amenity area on the new site plan which will include a pool, cabana and playground. The conservation plan will also have a 50 foot open space buffer around the entire perimeter of the property as well as along Highway 9, owned by the Homeowners Association, which can be heavily landscaped to provide a visual screen and a very attractive front door to the development. All existing trees in the 50 foot buffer will be preserved and applicant also agrees to plant a row of evergreen trees along the northern 50 foot buffer in those areas where there are no existing trees. The community will be subject to a Declaration of Covenants and Conditions and each home will be required to be a member. The Homeowners Association will be responsible for the future maintenance and upkeep of all entrance features, open spaces, and any amenities.

The Dawson County Comprehensive Plan points out that the new housing market in Dawson County provides few opportunities beyond single-family homes on large lots; and the new RS-2 zoning category was established to allow the opportunity to provide smaller lots to fulfill this established need. While the current Comprehensive Plan, which preceded the adoption of the new RS-2 zoning category fails to specify what property in the County is best suited for this new zoning classification, the Subject Property is ideally suited for an RS-2 development and will

provide the County an opportunity to begin to address and supply its acknowledged critical need for single-family homes on somewhat smaller lots with greater open space.

There are actually very few sites in the County that lend themselves to development under the new RS-2 category, and we believe this site is one of those few. We have access to public sewer and water; and we enjoy frontage on Georgia Highway 9, one of the county's major arteries all of which we believe should be major considerations in approving this RS-2 zoning.

In addition to the revised RS-2 Conservation Plan we have also submitted a list of proposed rezoning conditions which will control the quality of the homes to be built on the property and thereby insure that this will be a very attractive development. providing much needed housing, while conserving much of the property in its natural habitat, and we respectfully request approval of this rezoning by the Board of Commissioners.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norman White". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Fall Leaf Residential, LLC  
Norman White, Manager

APPLICANT'S  
STATEMENT OF APPROPRIATENESS OF APPLICATION  
AND  
RELATED CONSTITUTIONAL CLAIMS

Applicant respectfully shows the Commission that any refusal by Dawson County to rezone the Subject Property "RS-3 (Conditional)," as requested in its application, would be unconstitutional and illegal in that application to the Property of the existing classifications and any and all inconsistent intervening zoning and map classifications and/or conditions constitutes a taking of property without just compensation in violation of Art. I, Sec. I, Para. I, and Art. I, Sec. III, Para. I(a), of the Georgia Constitution of 1983, as Amended, in that there is no reasonable use for the property as zoned, especially given the uses being allowed on properties to the south of the Subject Property on Ga. Hwy. 9, and a denial of substantive due process and equal protection under the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution and of the Georgia Constitution of 1983, as Amended, Art. I, Sec. I, Para. I, and Art. I, Sec. I, Para. II, in that the denial would impose a disproportionate hardship on Applicant without accruing any benefits to any surrounding property owners and without any substantial police power benefits to the public, since the only apparent rationale for denial would appear to be socio-economic discrimination; and, in any event, the denial would have a potential racially-discriminatory impact, as well as a violation of the requirement under Art. IX, Sec. II, Para. I, of the Georgia Constitution of 1983, as Amended, that "counties pass clearly-reasonable ordinances," and a violation of the federal housing anti-discrimination law and the associated federal requirement that Dawson County make "reasonable accommodation" in its zoning rules, policies, and practices to afford those protected by the Fair Housing Act an equal opportunity to enjoy an appropriate and affordable dwelling, Federal Fair Housing Act, 42 U.S.C. §3604(f)(3)(B)—entitling Applicant, inter alia, to seek a reversal of the refusal to rezone under state and federal law and actual and punitive damages and attorney's fees pursuant to 42 U.S.C. §3613(c).

In addition, the Civil Rights Act of 1871, 42 U.S.C. §1983, provides in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

State courts have concurrent jurisdiction over violations of 42 U.S.C. §1983; and, at all times relevant hereto, the Board of Commissioners occupies a policymaking position and acts “under color of law” within the meaning of that statute.

In denying this application, therefore, the Commission will have deliberately violated the substantive and procedural equal protection and due process rights of Applicant as guaranteed by the U.S. Constitution, including but not limited to perpetrating a “class-of-one equal protection” violation based on the disparate treatment meted out by the County as between Applicant and other local rezoning applicants. See, e.g., Village of Willowbrook v. Olech, 528 U.S. 562, 120 S.Ct. 1073 (2000).

Finally, any approval of this application subject to rezoning conditions which are different from the conditions requested by the Applicant or expressly agreed to by Applicant either in writing or orally at a public hearing before the Commission, to the extent such conditions would have the effect of further restricting the Applicant’s utilization of the Subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

2000 4 9:52AM