

DAWSON COUNTY VARIANCE APPLICATION

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

VR _____ Tax Map & Parcel # (TMP): _____
Current Zoning: _____ Commission District #: _____
Submittal Date: _____ Time: _____ am/pm Received by: _____ (staff initials)
Fees Assessed: _____ Paid: _____
Planning Commission Meeting Date: _____

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Jerry H. Sutton of Development and Construction Services, Inc.
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 XX participated in a Pre-application meeting with Planning Staff.
If not, I agree XX /disagree _____ to schedule a meeting the week following the submittal deadline.
Meeting Date: ASAP Applicant Signature: _____

PROPERTY INFORMATION

Street Address of Property: 796 Highway 400 S, Dawsonville, GA 30534

Land Lot(s): 114 004 004 District: 13th Section: 1st
Subdivision/Lot: 344 Building Permit #: N/A (if applicable)

21 APR 9 10:00AM

Directions to the Property: depart 25 Justice Way, head toward Raymond Parks St S, at the roundabout, take the 4th exit for GA-53, keep right to get
onto GA-53, turn right onto GA-9E, turn left onto Industrial Park Rd, turn right onto N Georgia Avenue, turn right, turn left, turn left, turn left and arrive at 796
Highway 400 S

REQUESTED ACTION

A Variance is requested from the requirements of Article # 4 Section # 400A of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: _____

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: 35'
 property line, road right of way, or other (explain below):

Building Corner

instead of the required distance of _____ N/A _____ required by the regulations.

Lot Size Request for a reduction in the minimum lot size from N/A to N/A

Sign Variance for: N/A

Home Occupation Variance to operate: N/A business

Other (explain request): _____

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

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: _____

Current Building does not meet minimum standards for seats as required by Wild Wing Cafe Corporate Office

2020

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

See #1

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

The variance would provide an outdoor patio. In the current environment, it will stimulate the local economy, benefit families, and create revenue for Dawson County.

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

See #3

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.)

21 APR 9 10:02 AM

PROPERTY OWNER AUTHORIZATION

I / we Michael Bennett for Bennett Partners, LLP hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

114 004 004

as shown in the tax maps and / or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and / or conditions 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 6 months from the date of the last action by the Board of Commissioners.

Printed name of applicant or agent: Jerry H. Sutton

Signature of applicant or agent: [Signature] Date: 04/09/2021

Printed Name of Owner(s): Michael P. Bennett, Managing General Partner

Signature of Owner(s): [Signature] Date: 4/8/2021

Sworn and subscribed before me this 8th day of April, 2021.

[Signature]
Notary Public

My Commission Expires: 8-16-24



(Seal)

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

- Patsy B. Bennett, General Partner
- Michelle B. McKinney 2005 GST Trust, Limited Partner
- Valeree B. Bryant 2005 GST Trust, Limited Partner
- Paris D. Bennett, II 2005 GST Trust, Limited Partner

21 APR 5 10:04 AM

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

- TMP14 001 002 1. Krallis Anna A & Alexandra, 2461 Santa Rosa Street, Alpharetta, GA 30009
- TMP14 028 2. ANH Collision Specialists LLC, 130 Industrial Park Drive, Dawsonville, GA 30534
- TMP14 042 001 3. SR Hospitality LLC, 76 North Georgia Avenue, Dawsonville, GA 30534
- TMP14 042 4. Patel Trusha Nimesh, 720 Ellsborough Court, Alpharetta, GA 30005
- TMP14 005 5. 2010 Melbourne Tire Store Associates LLC, 440 Seaside Lane, Juno Beach, FL 33408
- TMP14 004 6. Chelsea GCA Realty, CPG Partners LP, P O Box 6120, Indianapolis, IN 46206
- TMP _____ 7. _____
- TMP _____ 8. _____
- TMP _____ 9. _____
- TMP _____ 10. _____
- TMP _____ 11. _____
- TMP _____ 12. _____
- TMP _____ 13. _____
- TMP _____ 14. _____
- TMP _____ 15. _____

Use additional sheets if necessary.

21 APR 9 10:00 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 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 special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

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

Signature of Applicant or Agent:  Date: 04/09/2021

Signature of Witness:  Date: 04/09/2021

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

21 APR 9 10:00 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.

XXX 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:

Driver's License - State of Georgia for Jerry H. Sutton

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 Alpharetta (city), Georgia (state)


Signature of Applicant

04/06/21
Date

Jerry Harper Sutton
Printed Name

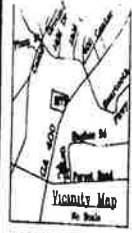
Development and Construction Services Inc
Name of Business



SUBSCRIBED AND SWORN BEFORE ME ON
THIS 6th DAY OF April, 20 21
Michelle Brizendine Notary Public
My Commission Expires: 06/26/22

This affidavit is a State of Georgia requirement that must be completed for initial applications and renewal applications for public benefits as referenced in O.C.G.A § 50-36-1(a)(3). The person who has made application for access to public benefits on behalf of an individual, business, corporation, partnership or other private entity must complete and sign the affidavit and provide a secure and verifiable document.

2021



Water, Sewer, Storm Water and Sewer Authority
Mr. John Cross
1162 Highway 43 East
Dunwoody, GA 30634
708-216-8474

Electric
Service EMT
Mr. Mark Creshaw
543 Atlanta Highway
Cumming, GA 30040
770-887-2863

Mr. Kenny Hume
3210 Morrison Moore Parkway
Dulhousie, GA 30535
708-887-3307

Telephone
AT&T
Mr. Kenny Katswiler
3210 Morrison Moore Parkway
Dulhousie, GA 30535
708-887-3377

NEARBY LOCAL JURISDICTIONS
ALL THAT TRACT or parcel of land lying and being in Land Lot 544 in the South Half of the 15th District, 1st Section, DeKalb County, Georgia, and being more particularly described as follows:

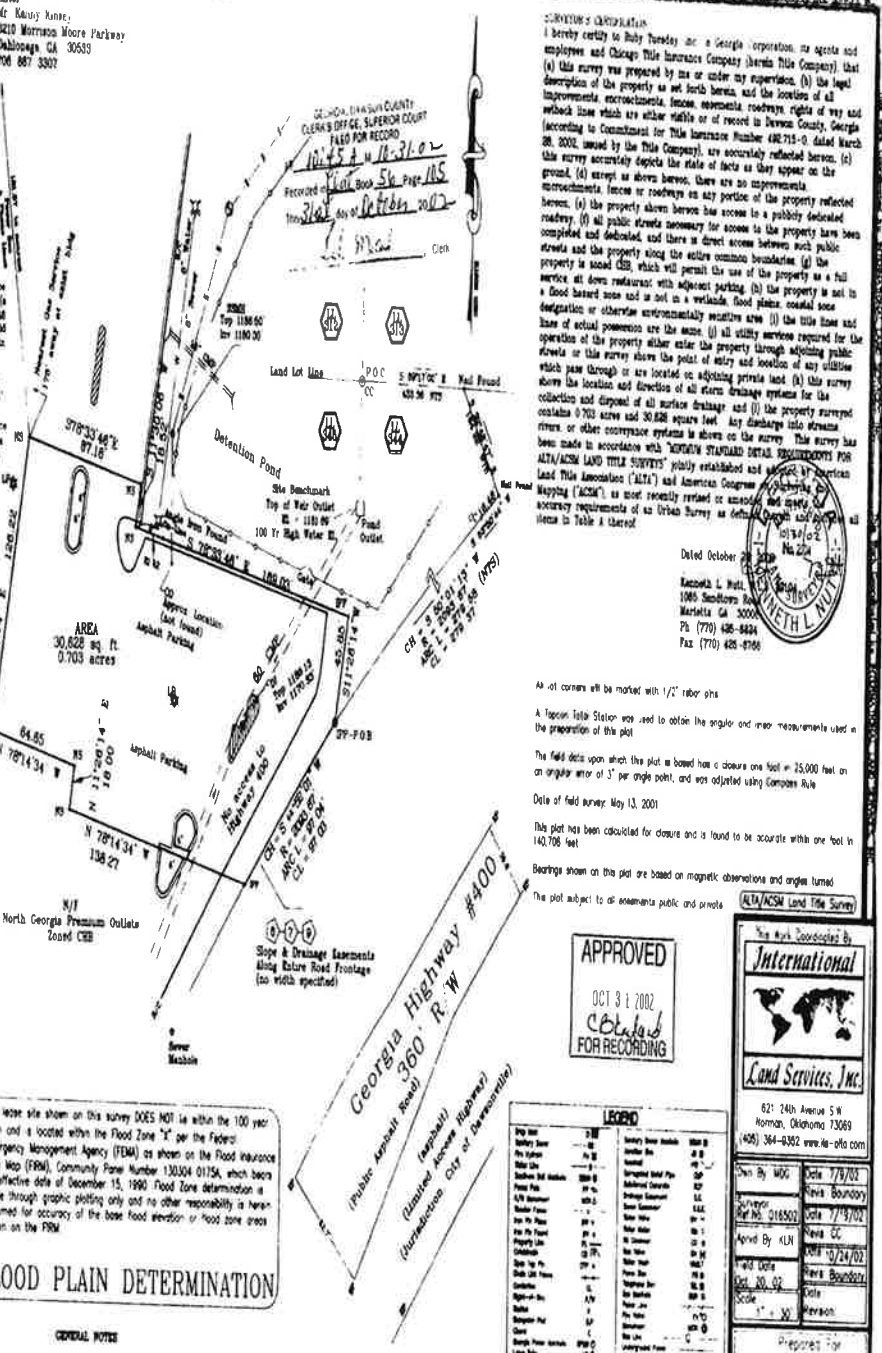
To find the POINT OF BEGINNING, Commence at the southeast corner of Land Lot 544, 545, and 546. Run thence along the western line of Land Lot 544 and 546 South 89°17'00" East, a distance of 425.26 feet to a Point. Run thence South 89°17'00" East, a distance of 184.25 feet to a Point on the easterly right-of-way of Georgia Highway #400 (a 200 foot wide right-of-way). Run thence southeasterly along said right-of-way South 89°50'14" East, a distance of 18.40 feet to a point. Thence northeasterly along said right-of-way of Georgia Highway #400, an arc distance of 279.56 feet and arc length a radius of 808.67 feet and being subtended by a chord of 279.57 feet to an arc distance of 279.57 feet. In all from this point the TRUE POINT OF BEGINNING.

From the POINT OF BEGINNING, Run thence 87°04 feet along a curve to the left, back curve having a radius of 808.67 feet, a chord bearing of South 47°47'00" East, and a chord length of 87.05 feet to a Point. Run thence North 79°14'34" East, a distance of 119.00 feet to a Point. Run thence North 79°14'34" East, a distance of 188.25 feet to a Point. Run thence South 79°35'46" East, a distance of 87.18 feet to a Point. Run thence South 11°20'00" West, a distance of 18.82 feet to a Point. Run thence South 79°35'46" East, a distance of 188.25 feet to a Point. Run thence South 79°35'46" East, a distance of 43.85 feet to a Point and the Point of Beginning.

Said Parcel contains 0.703 acres or 30,628 square feet more or less

ITEMS CORRESPONDING TO SCHEDULE 'B'

- 6. Easements conveyed by that certain Right of Way Deed from Mrs. Telle Bruce Estate to State Highway Department of Georgia, dated June 12, 1956, recorded at Deed Book Y, page 564, stored records (as shown)
7. Easements contained in that certain Right of Way Deed from E. Bruce and Ruby Hammond, aka here as Telle Bruce to State Highway Department of Georgia, dated August 7, 1958, recorded at Deed Book Y, page 568, stored records (as shown)
8. Right of Way Easements to Sonnet Electric Membership Corporation as follows:
a. from Lorry Looman dated April 22, 1975, recorded at Deed Book 32, page 153, stored records (blanket easement)
b. from Lorry Looman dated June 30, 1975, recorded at Deed Book 33, page 74, stored records (blanket easement)
c. from Lorry Looman dated January 24, 1978, recorded at Deed Book 43, page 684, stored records (blanket easement)
d. from Lorry Looman dated August 4, 1978, recorded at Deed Book 45, page 314, stored records (blanket easement)
e. from Lorry Looman dated December 14, 1979, recorded at Deed Book 50, page 64, stored records (blanket easement)
f. from Lorry Looman dated March 30, 1982, recorded at Deed Book 80, page 343, stored records (blanket easement)
9. Easements contained in that certain Right of Way Deed from Lorry Looman and Susan Rogers Looman to State Highway Department of Georgia, dated August 15, 1977, recorded at Deed Book 47, page 328, stored records (as shown)
10. Right of Way Easement Agreement by and between Chelsea OCA Realty Partnership, LP and Sonnet Electric Membership Corporation, dated August 18, 1997, recorded at Deed Book 248, page 248, stored records (blanket easement)
11. Sanitary Sewer Easement Agreement by and between Chelsea OCA Realty Partnership, LP and Elbow Water and Sewer Authority, dated February 19, 1997, recorded at Deed Book 248, page 348, stored records (does not apply to subject tract)
12. Water Easement Agreement by and between Chelsea OCA Realty Partnership, LP and Elbow Water and Sewer Authority, dated February 19, 1997, recorded at Deed Book 248, page 450, stored records (does not affect subject tract)
13. Right of Way Easement Agreement by and between Chelsea OCA Realty Partnership, LP and Atlanta Gas Light Company (a Georgia Natural Gas Company), dated October 14, 1997, recorded at Deed Book 254, page 343, stored records (blanket easement)
14. Right of Way Easement Agreement and Covenants Affecting Real Property dated March 30, 1998, recorded at Deed Book 268, page 53, stored records, re-recorded at Deed Book 268, page 413, stored records as amended by that certain First Amendment to Right of Way Easement Agreement and Covenants Affecting Real Property dated August 11, 1999, recorded at Deed Book 337, page 407, stored records (blanket easement)
15. Right of Way Easement from Chelsea Property Group, Inc. to Sonnet Electric Membership Corporation dated March 19, 2007, recorded at Deed Book 363, page 24, stored records (blanket easement)



SURVEYOR'S CERTIFICATION
I hereby certify that Ruby Tuesday, Inc., a Georgia corporation, its agents and employees and Chelsea Title Insurance Company (Chelsea Title Company) that (a) this survey was prepared by me or under my supervision, (b) the legal description of the property as set forth herein, and the location of all improvements, encroachments, fences, easements, roadways, rights of way and setback lines which are either visible or of record in DeKalb County, Georgia (according to Consultant for this instrument Number 49E715-0 dated March 28, 2002 issued by this Company), are accurately reflected herein, (c) this survey accurately depicts the state of facts as they appear on the ground, (d) except as above, there are no improvements, encroachments, fences or roadways on any portion of the property reflected herein, (e) the property shown herein has access to a publicly dedicated street, (f) all public streets necessary for access to the property have been completed and dedicated, and there is direct access between such public streets and the property along the entire common boundaries, (g) the property is located CBR, which will permit the use of the property as a full service all down restaurant with adjacent parking, (h) the property is not in a flood hazard zone and is not in a wetlands flood plain coastal zone designation or otherwise environmentally sensitive area (i) the title lines and lines of actual possession are the same, (j) all utility services required for the operation of the property other than the property through adjoining public streets or on this survey show the point of entry and location of any utilities shown the location and direction of all storm drainage systems for the collection and disposal of all surface drainage and (k) the property surveyed contains 0.703 acres and 30,628 square feet. Any drainage into adjacent streets or other easement systems is shown on the survey. This survey has been made in accordance with 'STANDARD DETAILS' REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS' jointly established and adopted by American Land Title Association (ALTA) and American Congress of Surveying and Mapping (ACSM), as most recently revised or amended, and meets the accuracy requirements of an Urban Survey as defined through the ALTA/ACSM standards to be in Table 1 thereof.

Dated October 3, 2002
Kenneth L. Hill, Surveyor
1985 Sanderson Road
Marietta, GA 30066
Ph: (770) 426-8404
Fax: (770) 426-4766

All corners will be marked with 1/2" rebar pins
A Topcon Total Station was used to obtain the angle and minor measurements used in the preparation of this plot
The field data upon which this plot is based has a closure error of 1/100,000 feet on an angle error of 1" per angle point, and was adjusted using Compass Rule
Date of field survey: May 13, 2001
This plot has been calculated for closure and is found to be accurate within one foot in 140,706 feet
Bearings shown on this plot are based on magnetic observations and angles turned
This plot subject to all easements public and private

APPROVED
OCT 3 1 2002
Checked FOR RECORDING

LEGEND table with columns for Item, Description, and Notes. Includes items for Survey Lines, Easements, and Utility Lines.



Survey by
KEN NUTT, LLC
1085 Sanderson Road, S.W. Marietta, GA 30066
Phone (770) 426-8884 Fax (770) 426-4766

UTILITIES PROTECTION CENTER, INC.
Call FREE
1-800-281-7671
THREE MORNING DAYS BEFORE YOU DIG
IT'S THE LAW

SETBACKS
Front 100 Feet
Side 0 Feet
Rear 0 Feet
(50' Setback of adjoining lot CBR)
Max Sign Height = 35 Feet

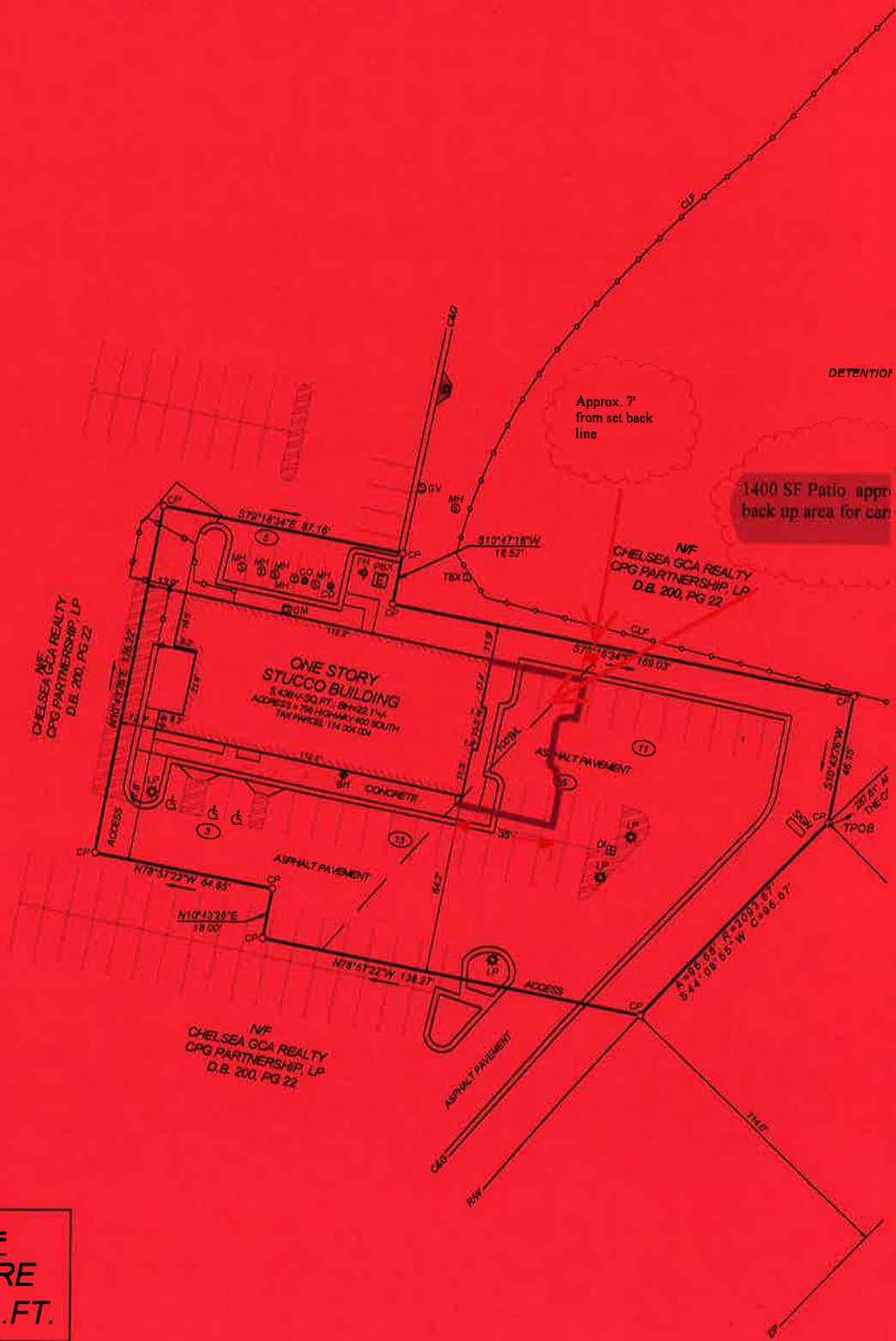
GENERAL NOTES
1. There are no apparent boundary disputes or discrepancies between this and any adjoining properties
2. The underground utilities shown herein have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such in the area, either in service or abandoned. The surveyor further does not warrant that they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities
3. Property has no access to public road. Access must be through existing drives off of city streets
4. Front setback is based on proposed building orientation, and is not shown where there are no buildings on the site
5. Except as shown, there is no evidence of power or telephone lines on this property
6. There are no water or sewer easements within the boundary limits of the property
7. There are no gas lines in the immediate vicinity of this site
8. According to recorded documents there is no record of a 50' buffer along the GA Hwy 400 corridor

Advertisement for International Land Services, Inc. including contact information and a world map.



LAND LOT LINE
N88°50'00"E 330.10'

IPF
1/2" RB



Approx. 7' from set back line

1400 SF Patio approx back up area for car

CHESAIRE REALTY CPG PARTNERSHIP, LP
D.B. 200, PG 22

NF CHESAIRE REALTY CPG PARTNERSHIP, LP
D.B. 200, PG 22

NF CHESAIRE REALTY CPG PARTNERSHIP, LP
D.B. 200, PG 22

21 APR 9 10:00 AM
AREA =
0.703 ACRE
30,642 SQ. FT.



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

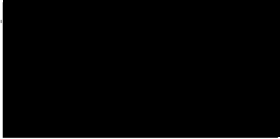
**Phone: (706) 344-3520
Fax: (706) 344-3522**

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2020 - 1050	114 004 004 / 1 LL 344 LD 13-S FMV: 955300	\$9042.11	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$9042.11	\$0.00
Totals:		\$9042.11	\$0.00	\$0.00	\$9042.11	\$0.00

Paid Date: 12/1/2020

Charge Amount: \$9042.11

BENNETT PARTNERS LLLP



Scan this code with your mobile phone to view this bill

21 APR 9 10:01 AM



Overview



Legend

-  Parcels

Date created: 2/26/2021
Last Data Uploaded: 2/26/2021 1:36:34 AM

Developed by  **Schneider**
GEOSPATIAL

21 APR 9 10:01 AM