

# DAWSON COUNTY VARIANCE APPLICATION

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

VR 19.08 Tax Map & Parcel # (TMP): 114-088-006 & 114-088-007  
Current Zoning: RMF Commission District #: 3  
Submittal Date: 6/21 Time: 1:34 am/pm o Received by: JK (staff initials)  
Fees Assessed: \_\_\_\_\_ Paid: \_\_\_\_\_  
Planning Commission Meeting Date: July 16, 2019

## APPLICANT INFORMATION (or Authorized Representative)

Printed Name: TJOD Hughes (AUTHORIZED REP)

Address: \_\_\_\_\_

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: 7.2.2019 Applicant Signature: X Tjod Hughes

## PROPERTY INFORMATION

Street Address of Property: Dawson Forest Rd Parcel IDs 114 022 006 AND 114 022 007

Land Lot(s): \_\_\_\_\_ District: \_\_\_\_\_ Section: \_\_\_\_\_

Subdivision/Lot: \_\_\_\_\_ Building Permit #: \_\_\_\_\_ (if applicable)

Directions to the Property: GA 400 North to East on Dawson Forest Rd. Property is 1/2 mile on RT (SOUTH SIDE) OF DAWSON FOREST RD.

A

**REQUESTED ACTION**

A Variance is requested from the requirements of Article # 300 Section # F.7 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

12 If other, please describe: Maximum units per Bldg: if MF states no more than  
units per bldg. Request for 24 unit Bldgs.

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): \_\_\_\_\_

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

Variations 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: \_\_\_\_\_

Nearly all apartments in the county have more than 12 units per bldg  
Large buildings will allow for a more efficient design and site  
plan with more green space.

A

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

This property has ~~the~~ large portions undevelopable. There are three state water streams, wetlands and extensive stream setbacks. A portion is also steep hillside. Larger bldg sizes allows for the developer to take advantage of the developable portions efficiently.

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 is common place for suburban apartment buildings to contain 24-36 units per building

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

The county planning department acknowledges this variance is "always" requested and granted for new apartment buildings.

**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.)

7 A

B

**REQUESTED ACTION**

A Variance is requested from the requirements of Article # 300 Section # F. 6 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: RMF Min Heated Floor Area: suggests all units have a min of 800 sqft.

Type of Variance requested: Request for reduction to 715 sqft.

- 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): \_\_\_\_\_

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: \_\_\_\_\_

In today's apartment buildings with efficient open floor plans the target resident is accepting of smaller unit sizes. Typical one bedroom plans run from 625-725 sqft. Request is for 715 min.

B

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

Site has creek setbacks and steep hillside hindering developable acreage.

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: \_\_\_\_\_

Smaller units are not detrimental to the public health, safety, morals or welfare and are not injurious to properties in the vicinity they simply allow residents to live more efficiently/conservatively.

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

A slightly smaller floor plan will allow for energy conservation.

**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.)

### Current Unit Mix

One Bed/One Bath	#	Heated/A/C Sq Ft
	40	716
	40	785
	15	749
	15	815
Two Bed/Two Bath		
	40	1099
	40	1164
	20	1154
	20	1221
Three Bed/Three Bath		7 B
	5	1305
	-	1271

C

**REQUESTED ACTION**

A Variance is requested from the requirements of Article # 10 Section # 007.1.A of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: PMF PARKING REQ'D 2 spaces per unit + 1 space per every 4 units for visitor = 2.25 spaces per unit. Request is 1.65 spaces per unit.

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): \_\_\_\_\_

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: \_\_\_\_\_

Dawson County parking requirements are 1 space per one bedroom more than customary. Project has 110 one bedrooms.

It parked at code 144 spaces above developer suggested would be constructed. This is an inefficient use of project dollars and results in more asphalt and less greenspace. All reductions in parking will <sup>result</sup> ~~be~~ increases in greenspace.

C

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

site has creek setback, steep hillside and rolling topography hindering developable acreage.

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: \_\_\_\_\_

Having less asphalt parking increases green space and decreases water runoff a significant citizen concern

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

Having less asphalt increases green space and decreases storm runoff a significant concern of public works, water quality dept & local citizens.

**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.)

7C

**PROPERTY OWNER AUTHORIZATION**

I/we, Billy G Hughes, hereby swear that I/we own the property located at (fill in address and/or tax map & parcel #):  
PARCEL ID 114 022 006

PARCEL ID 114 022 007

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: Billy G. Hughes (Judd)  
Signature of applicant or agent: [Signature] Date: 4-10-19

.....

Printed Name of Owner(s): Billy G. Hughes  
Signature of Owner(s): [Signature] Date: 4-10-19

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

City, State, Zip: Dawsonville, GA 30534

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

Sworn and subscribed before me this 10 day of April, 2019

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_

**DEANNA MCBRAYER**  
NOTARY PUBLIC  
Dawson County  
State of Georgia  
My Comm. Expires Aug. 7, 2022

(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.)



VA VR #

TMP#: 114 022 006  
114 022 007

**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 ALT 8308 114 022 005	1. Hughes, David, Rocky, Billy	244 Thompson Creek Park Rd Dawsonville, GA 30534
TMP ALT 10 15502 114 022 003	2. Hughes, David, Rocky, Billy	244 Thompson Creek Park Rd Dawsonville, GA 30534
TMP ALT 15450 114 003 005	3. Hughes - David, Rocky, Karen	244 Thompson Creek Park Rd Dawsonville, GA 30534
TMP 16172	4. GA 400 Industrial Park	6840 Bennett Rd Cumming GA 30041
TMP 14476 114 033 003	5. Etowah Water & Sewer Authority	1162 Hwy 53E Dawsonville, GA 30534
TMP ALT 9 274 114 022 001	6. Hughes, David, Rocky, Billy	244 Thompson Creek Park Rd Dawsonville, GA 30534
TMP ALT 9692 114 022 002	7. Hughes, Sara Phillips	7580 Hwy 53E Dawsonville, GA 30534
TMP ALT 4277 114 047	8. Hughes, David James	250 West Broad St #805 Athens, GA 3060
TMP 8307 114 021	9. Byrd Elliott Properties	7342 Hwy 53E Dawsonville, GA 30534
TMP ALT 15505 114 022 008	10. Hughes - David, Rocky, Billy	244 Thompson Creek Park Rd Dawsonville GA 30534
TMP _____	11. _____	_____
TMP _____	12. _____	_____
TMP _____	13. _____	_____
TMP _____	14. _____	_____
TMP _____	15. _____	_____

Use additional sheets if necessary.

**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: Judith Hughes Date: 6/21/2019  
Signature of Witness: [Signature] Date: 6/21/19

\*\*\*\*\*

**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.

**APPLICATION PROCESSING: STAFF USE ONLY**

VR 19.08 Applicant Name: Judd Hughes

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), GA (state)  
Billy G. Hughes  
Signature of Applicant  
Billy G. Hughes  
Printed Name  
Date 4-10-2019  
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 10 DAY OF April, 2019  
Deanna MCB Notary Public  
My Commission Expires: \_\_\_\_\_

DEANNA MCBRAYER  
NOTARY PUBLIC  
Dawson County  
State of Georgia  
My Comm. Expires Aug. 7, 2022  
(Notary Seal)