

DAWSON COUNTY VARIANCE APPLICATION

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

VR 19.19 Tax Map & Parcel # (TMP): L21-100-027
Current Zoning: VCR Commission District #: 3
Submittal Date: 11-6-19 Time: 8:52 am/pm Received by: WHR (staff initials)
Fees Assessed: 350- Paid: check
Planning Commission Meeting Date: December 17, 2019

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: William Harley Ray and Brandyn Ray

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: 11/06/2019 Applicant Signature: _____

PROPERTY INFORMATION

Street Address of Property: 7495 Crestline Drive, Dawsonville, GA 30534

Land Lot(s): 528 District: 13th Section: _____

Subdivision/Lot: Lot 27 / L21 100 027 Building Permit #: _____ (if applicable)

Directions to the Property: HWY53 to Nix Road. Left into The Reserve Club and Marina. Right on

Crestline Drive

11/19/19 9:53AM

REQUESTED ACTION

A Variance is requested from the requirements of Article # III Section # 308.C.4 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 10' and 8' feet to allow the structure to:

be constructed; remain a distance of 30' and 2' feet from the: _____

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

_____ instead of the required distance of 40' and 10' _____ 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: See "Exhibit A" attached.

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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: See "Exhibit A" attached

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: See "Exhibit A" attached

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

See "Exhibit A" attached

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.)

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Exhibit A

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: We have worked with our builder, searched the internet, and have now hired an architect to design a home with a foot print that both meets our family's needs and fits on our lot. We have been unable to do so given the small size, narrowing shape, and very steep incline of the lot. My wife and I have 2 children and would reasonably like to have a bedroom for each of them. We have elderly parents who visit frequently and two of those individuals have knee replacement surgeries on one or both knees. One parent is medically disabled, so we need a guest room on the main floor of the home to accommodate them. My wife and I plan live in this home for the foreseeable future, and as we age, it is important to have our bedroom on the main floor as well. Last, we have two energetic children who have a lot of friends visit. As the lot gets deeper, it has a very steep grade. The further back you push the home, the taller the foundation wall under the basement becomes. As currently designed, the basement floor will be approximately 7' from ground level with the main floor being approximately 19' from ground level. Building the house to code limits risk of falls, but with high energy children, there is still a risk. We have made every effort to keep the depth of the house on the left side of the lot since the right-side tapers from 96' in the front right corner to only 50' in the back right corner. Additionally, we wanted a side entry garage, but have designed the garage to be front entry to accommodate the setback requirements as much as possible. Given that we have already made efforts to comply as closely as possible to the setback requirement by incurring the expect to have a custom home plan designed, keeping the depth to one side of the property, and still have a home that meets our family's needs as well as the safety of our children and hopefully Grandchildren and the medical needs of our visitors, meeting the setback requirements exactly as defined in the Land Use Regulations would result in a practical difficulty and unnecessary hardship to both our family and our visitors.
2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: This lot is zoned VC which is a classification no longer used. The minimum square footage for a lot with this classification is 16,000sf. This lot is only 16,069sf, but the shape is not symmetrical making it very difficult to fit a house on the lot to fit our family's needs. The lot is 96' wide in the front and only 50' wide in the rear. The other lots in this subdivision are more rectangular in shape, wider towards the rear of the property, or much wider in the front of the lot.
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 existing homes in the subdivision do not meet the current setback requirement. The home on L21 100 035 has a front setback of approximately 25' and abuts the left-side property line with a setback near 0' for nearly the entire depth of the home. The home on L21 100 034 has a front setback of approximately 20' and abuts the left-side property line with a setback near 0' for nearly the entire depth of the home. The home on L21 100 008 has a front setback of approximately 33' and abuts the right-side property line with a setback near 0' for nearly the entire depth of the home. The home on L21 100 001 has a front setback of approximately 23' and the rear 40' of the home on the right-side property line have a setback tapering from 10' to near 0'. The

Exhibit A

positioning of these homes on their lots are much more extreme than the variance I am seeking. The existing homes have caused no detriment to the public health, safety, morals, or welfare and not been materially injurious to the properties in the near vicinity. Given that the variance I am seeking is less intrusive than the existing homes, it also would not have any negative impact to the public, environment, safety, or other landowners or other areas called out above.

4. Describe why granting this variance would support the general objectives within this Resolution: Granting this variance would allow us to construct a permanent home that meets the current and future needs, comfortability, and safety required for our family, friends and visitor without being detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity. We would like to become long term residents of Dawson County and the current footprint of this home and granting these variances would allow us to confidently make that decision.

PROPERTY OWNER AUTHORIZATION

I / we William Harley Ray and Brandyn Michelle Ray hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

7495 Crestline Drive, Dawsonville, GA 30534 / #L21-100-027

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: William Harley Ray

Signature of applicant or agent: William Harley Ray Date: 11/4/19

Printed Name of Owner(s): William Harley Ray and Brandyn Michelle Ray

Signature of Owner(s): William Harley Ray and Brandyn Michelle Ray Date 11/4/19

Sworn and subscribed before me
this 4th day of November, 2019.

Sherry B Bruce
Notary Public

My Commission Expires: 10/14/2023



(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.)

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VR# 19.19

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 21 100 028 1. WM SUB RCM LLC C/O COLD RIVER LAND LLC PO BOX 2249, CUMMING, GA 30028

TMP 21 100 026 2. WM SUB RCM LLC C/O COLD RIVER LAND LLC PO BOX 2249, CUMMING, GA 30028

TMP 21 100 013 3. WM SUB RCM LLC C/O COLD RIVER LAND LLC PO BOX 2249, CUMMING, GA 30028

TMP 21 100 014 4. WM SUB RCM LLC C/O COLD RIVER LAND LLC PO BOX 2249, CUMMING, GA 30028

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.

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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: William Harley Date: 10/6/19
Signature of Witness: Thompson Date: 11-6-19

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.

NOV 6 9:53 AM

APPLICATION PROCESSING: STAFF USE ONLY

VR 19.19

Applicant Name: Harvey Ray

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: _____

19NOV 6 9:53AM

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:

Driver's License State of Georgia

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 Cumming (city), Georgia (state)

William Harley Ray
Signature of Applicant

11/4/19
Date

William Harley Ray
Printed Name

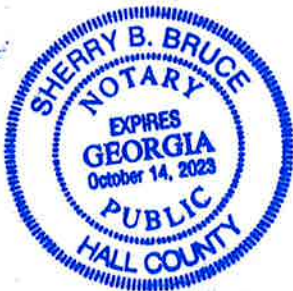
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 4th DAY OF November, 2019

Sherry B Bruce Notary Public

My Commission Expires: 10-14-2013



(Seal)

19 NOV 6 9:53 AM

Filed 05/29/2019 06:03AM
 Bk 00084 Pg 0174
 Plat Doc: PLAT
 Penalty: \$0.00 Interest: \$0.00
 Participants: 8105354572
 JUSTIN POWER, Clerk of Superior Court
 DAWSON County, Georgia

SURVEYOR'S CERTIFICATION

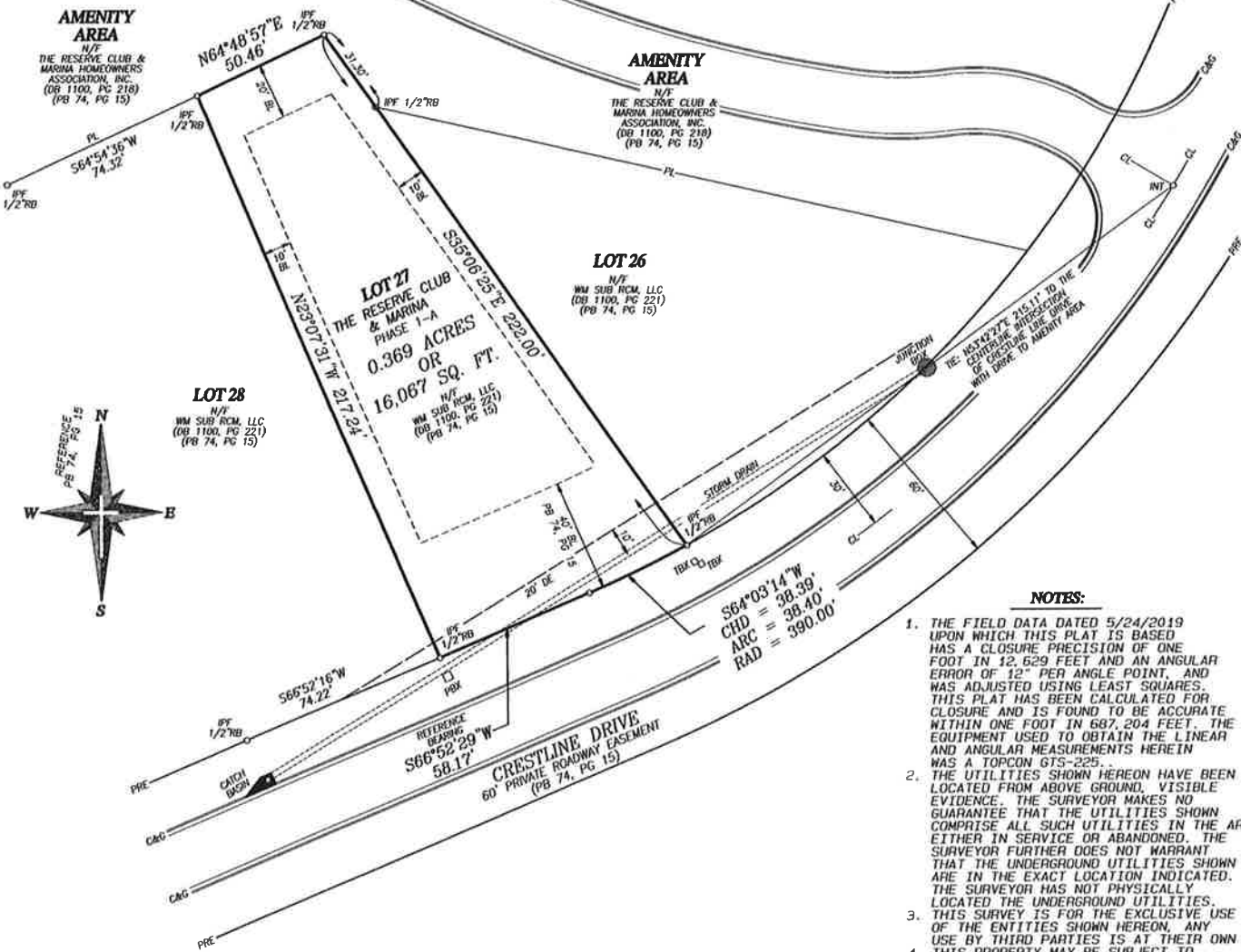
This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

Robert S. Cleveland 5/25/2019
 Robert S. Cleveland Date:
 Registration No. 2894
 Email: shane_cleveland@bellsouth.net

LEGEND:

- AC - AIR CONDITION UNIT
- BL - BUILDING LINE
- CBG - CURB AND GUTTER
- CL - CENTER LINE
- CLF - CHAIN LINK FENCE
- DE - DRAINAGE EASEMENT
- DB, PG - DEED BOOK, PAGE
- ES&T - EASEMENT
- EA - EDGE OF ASPHALT
- EC - EDGE OF CONCRETE
- GM - GUY WIRE
- GM - GAS METER
- FH - FIRE HYDRANT
- INT - INTERSECTION
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET (1/2" R/D) WITH A PINK CAP STAMPED PROPERTY CORNER RL52094
- LP - LIGHT POLE
- LL - LAND LOT
- LL - LAND LOT LINE
- N/F - NOW OR FORMERLY
- OT - OPEN TOP PIPE
- PBX - POWER BOX
- P- - POWER LINE
- P-T- - POWER & TELEPHONE LINE
- PH, PG - PLAT HANGER, PAGE
- PL - PROPERTY LINE
- PM - POWER METER
- PPE - PRIVATE ROADWAY EASEMENT
- PGB - POINT OF BEGINNING
- PP - POWER POLE
- PTP - POWER TELEPHONE POLE
- RB - REBAR
- R/W - RIGHT OF WAY
- SD - STORM DRAIN
- TBX - TELEPHONE BOX
- WM - WATER METER
- NV - WATER VALVE

THIS BLOCK RESERVED FOR THE CLERK FOR THE SUPERIOR COURT.



NOTES:

1. THE FIELD DATA DATED 5/24/2019 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,529 FEET AND AN ANGULAR ERROR OF 12" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 687,204 FEET. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TOPCON GTS-225.
2. THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM ABOVE GROUND, VISIBLE EVIDENCE. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
3. THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON, ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
4. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS WHICH MAY EXIST AND NOT SHOWN HEREON. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
5. ALL DISTANCES AS SHOWN ARE HORIZONTAL, GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER)
6. THE BEARINGS SHOWN HEREON WERE CALCULATED FROM ANGLES TURNED.

FLOOD NOTE

THIS PROPERTY LIES ABOVE THE TOP OF THE FLOOD CONTROL STORAGE OF LAKE LANIER (ELEVATION 1085) AND IS NOT SUBJECT TO A FLOOD HAZARD.

DATE	DESCRIPTION

RETRACEMENT SURVEY FOR:
 (TAX PARCEL #L21 100 027)
WILLIAM HARLEY RAY & BRANDYN RAY
 BEING LOT 27 OF THE RESERVE CLUB & MARINA, PHASE 1-A
 LOCATED
 IN LAND LOT 528, 13th DISTRICT,
 DAWSON COUNTY, GEORGIA

Cleveland Land Surveying
 3637 Rocky Ford Terrace, Gainesville, Georgia 30506
 Office (678) 936-6163

DRAWN BY: RSC
 DATE: 5/25/2019
 PDF: G219047

SCALE: 1"=30'
 GRAPHIC SCALE: 0' 15' 30' 60'

SHEET 1 OF 1
 JOB# G219047

Filed 05/26/2019 06:03AM
 BK 00084 Pg 0174
 Plat Doc: PLAT
 Penalty: \$0.00 Interest: \$0.00
 Participants: 8105354572
 JUSTIN POWER, Clerk of Superior Court
 DAWSON County, Georgia

SURVEYOR'S CERTIFICATION
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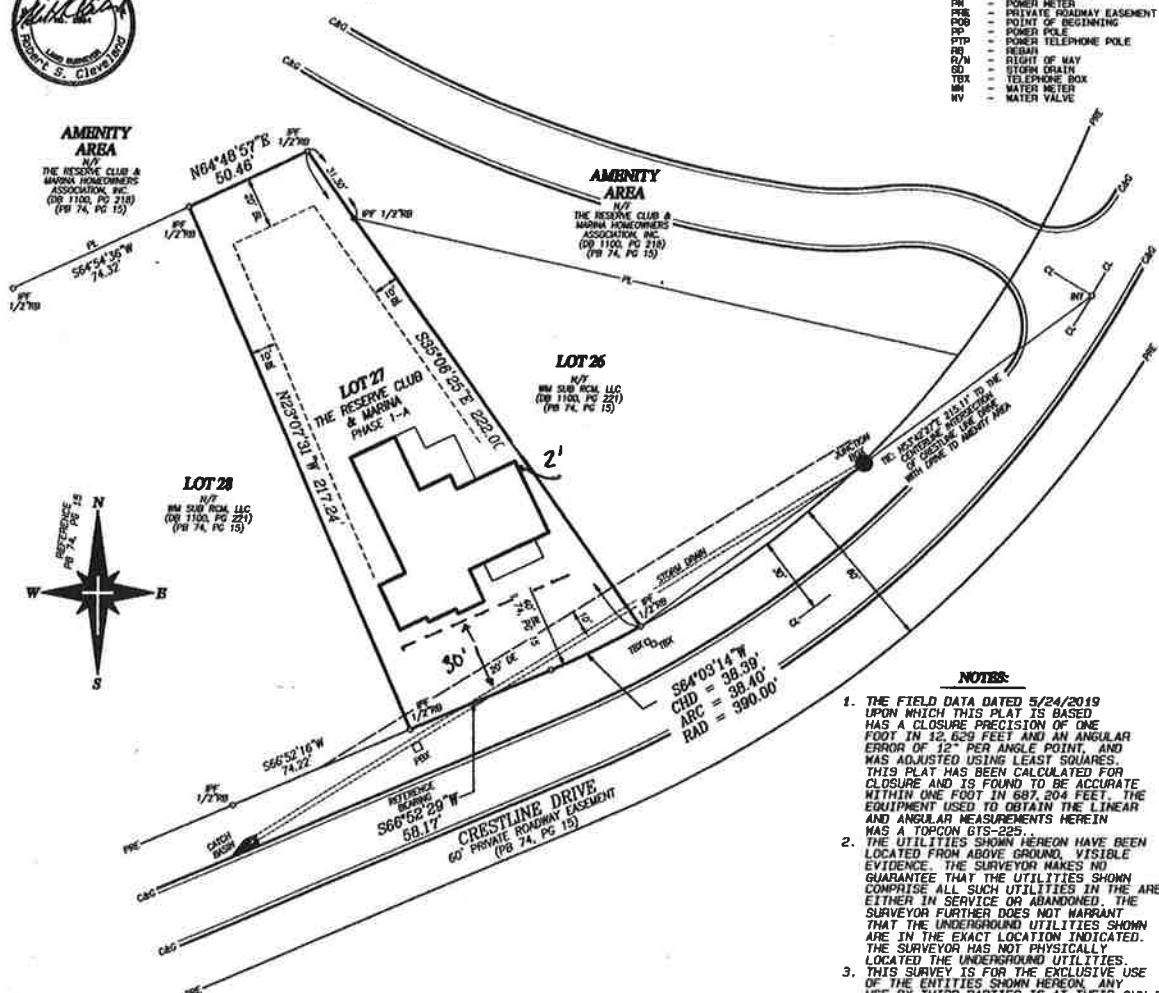
Robert S. Cleveland
 5/25/2019 Date:
 Robert S. Cleveland
 Registration No. 2894
 Email: rshane_cleveland@allsouth.net

THIS BLOCK RESERVED FOR THE CLERK FOR THE SUPERIOR COURT.



LEGEND:

- AC AIR CONDITION UNIT
- BL BUILDING LINE
- CB CURB AND GUTTER
- CL CENTER LINE
- CLF CHAIN LINK FENCE
- DE DRAINAGE EASEMENT
- DBL PG DEED BOOK, PAGE
- ESM/T EASEMENT
- EA EDGE OF ASPHALT
- EC EDGE OF CONCRETE
- GM CITY MILE
- GN GAS METER
- PH FIRE HYDRANT
- INT INTERSECTION
- IPF IRON PIN FOUND
- IPB IRON PIN SET 1 1/2" Ø/D WITH A PINN CAP STAMPED PROPERTY CORNER H.S.2894
- LP LIGHT POLE
- LL LAND LOT
- LLD LAND LOT LINE
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- PBX POWER BOX
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- P-T POWER & TELEPHONE LINE
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- PRB PRIVATE ROADWAY EASEMENT
- POB POINT OF BEGINNING
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- WM WATER METER
- WV WATER VALVE



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 LOCATED
 IN LAND LOT 528, 13th DISTRICT,
 DAWSON COUNTY, GEORGIA

Cleveland Land Surveying
 3637 Rocky Ford Terrace, Gainesville, Georgia 30506
 Office (678) 936-6163

DRAWN BY: RSC	SCALE: GRAPHIC SCALE 1" = 30'	SHEET 1 OF 1
DATE: 5/25/2019	0' 15' 30' 60'	
PDF: G219047	JOB# G219047	

19NOV 6 9:34AM

25 Justice Way Suite 1222
Dawsonville, GA 30534

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
15920 Year-Bill No 2018 - 15034	L21 100 027 / 001 LOT 27 THE RESERVE CLUB & MARINA PHASE 1A FMV: \$15,000.00	569.21	0.00 Fees 0.00	0.00	569.21	569.21	0.00
						Paid Date 11/20/2018 10:18:06	Current Due 0.00
Transactions:	15911 - 15945 Totals	569.21	0.00	0.00	569.21	569.21	0.00

Paid By :

COLD RIVER LAND LLC
WALTON DEVELOPMENT

Cash Amt: 0.00
Check Amt: 0.00
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

WM SUB RCM LLC
C/O COLD RIVER LAND LLC
P O BOX 2249
CUMMING, GA 30028

Check No
Charge Acct

11 NOV 6 9:34AM

Fwd: Harley Ray Variance Request

From: Ringle, Bill Bill.Ringle@dph.ga.gov

To: Harmony Gee hgee@dawsoncounty.org, DCallahan@dawsoncounty.org
dcallahan@dawsoncounty.org

Cc: [redacted]

Date: Monday, November 4, 9:39 AM

Harmony,

Mr. Ray is applying for a variance to building setbacks in The Reserve Club & Marina subdivision. This development is connected to an EPD permitted community septic system, so they do not need any permits from our office, other than a temporary toilet permit for home construction.

Don't hesitate to contact me if you have any questions.

Thank you,

Bill

George W. "Bill" Ringle

Environmental Health Manager

Dawson County Environmental Health

189 Hwy 53 West

Suite 102

Dawsonville, GA 30534

phone 706-265-2930

fax 706-265-7529

From: Harley Ray [redacted] m

To: Ringle, Bill Bill.Ringle@dph.ga.gov

Date: Monday, November 4, 9:46 AM

Thank you.

Harley Ray

11/4/04 9:54AM