# **DAWSON COUNTY VARIANCE APPLICATION**

**This portion to be completed by Zoning Administrator**	
This portion to be completed by Zoning Administrator	
VR 20.19 Tax Map & Parcel # (TMP): 17.003	
100	
Current Zoning: Commission District #:	_
Submittal Date: 1000 Time: am/pm Received by: (staff init	ials)
Fees Assessed: \$350 Paid: 000 5313	
Planning Commission Meeting Date: OCTOOL 30, 3030	
APPLICANT INFORMATION (or Authorized Representative)	
Printed Name: Ken Powalowski	
Address:	
T '-4-1	
Phone: Listed Email: Business Personal	
Status: [X] Owner [ ] Authorized Agent [ ] Lessee [ ] Option to purchase	
Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed	d.
have/have notX participated in a Pre-application meeting with Planning Staff.	
f not, I agree X /disagree to schedule a meeting the week following the submittal deadline.	
Meeting Date: 4.10.2020 Applicant Signature: Ler la	
PROPERTY INFORMATION	
Street Address of Property:88 Sunrise Drive Dawsonville GA 30534	
Athens Boat Club	
Land Lot(s): 385 Parcel L17 063 District: District o1 Section:	
Subdivision/Lot:Athens Boat Club Parcel L17 063Building Permit #: (if applica	ble)
Directions to the Reperty:53 east toward Gainsville, Left on War Hill Park Rd, Left on Athens Boat Club Dr,	
Left on Dogwood drive, Gate code 2704 thru gate past club house/doc, continue on Hickory trail, Left on Sunrise Dr	
junta (	

# REQUESTED ACTION

A Variance is requested from the requirements of Article # Section # of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).
If other, please describe: Property Line set back
Type of Variance requested:
[X] Front Yard [ ] Side Yard [ X] Rear Yard variance of 23.5 fr / 8.5 rear feet to allow the structure to:
[X] be constructed; [] remain a distance of 17.5 fr/ 11.5 rear_feet from the: Property Line
[X] property line, [] road right of way, or [] other (explain below):
instead of the required distance of40 feet front setback / 20 feet rear setback 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: The ABC neighborhood was originally implemented in the 1960s with smaller lot sizes than
current county lot size requirements dictate. We have been members of ABC community for several years enjoying the
ifestyle and our family. We would like to improve living conditions by upgrading our trailer to a more comfortable 2 bedroom
stick-built meme where we can retire in the near future living near our family in Athens Boat Club.

2.	Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: The lot size in approximately 3/4 of an acre which creates challenges
P	ositioning a small 2 bedroom home on the lot with both primary and back up septic space requirements. Per our attached
pla	n, we have demonstrated the and septic system will fit with slight intrusion of the home footprint into the front and rear
se	t back lines/requirements.
3.	Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare d not be materially injurious to properties in the near vicinity: We are wishing to build a new home replacing the
ex	isting 2 bedroom mobile home established in the 1970s. Currently other lots are building new homes as well. Our new
hom	e will comply with county septic requirements. The planned house footprint setback encroachment will blend with surrounding
nom	es as most existing homes within ABC have similar or more severe front, back, and side setback encroachments.
4.	Describe why granting this variance would support the general objectives within this Resolution:
Т	he variance approval would allow us to replace a deteriorating structure with a new planned retirement home remaining
in	a community we love staying close to our family.

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.)

I plan to replace existing 2 bedroom trailer with new stick built 2 bedrown home as my

primary residence

# **PROPERTY OWNER AUTHORIZATION**

I / we Ken Powalowski	hereby swear that I / we
own the property located at (fill in address and / or tax map & parcel #):  88 Sunrise Drive Dawsonvile GA 30534, LL385 LD 13-s, Parcel L17 063 (Newly pur	rchase August 2020)
The second of th	rollase August 2020)
as shown in the tax maps and / or deed records of Dawson County, Georgia, and by this request.	I which parcel will be affected
I hereby authorize the person named below to act as the applicant or agent in ponthis property. I understand that any variance granted, and / or conditions binding upon the property regardless of ownership. The under signer beloapplication. The under signer is aware that no application or reapplication a acted upon within 6 months from the date of the last action by the Board of Communication of the last action by the Board of Communication.	placed on the property will be ow is authorized to make this affecting the same land shall be
Printed name of applicant or agent: Ken Powalowski	
Signature of applicant or agent:	Date: 9/10/20
Printed Name of Owner(s): Ken Powalowsky	
Signature of Owner(s):	Date
Sworn and subscribed before methis day of 20 20.  Notary Public  My Commission Expires: 49.000	
(Seal)  HARMONY F GEE  Notary Public - State of Georgia  Dawson County  My Commission Expires Aug 9, 2022  (The complete names of all owners were be listed, if the owner is a partnership be listed, if a joint venture, the names of all members must be listed. If a segnames, please identify as applicant or owner and have the additional sheet notari	parate sheet is needed to list all

28SEP18 12

## **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
TMPL17 060	1 Brady Lance, behind center of property	91 Sunset Trail
TMPL17 071	2. Kenneth Ruffner, behind (left) of property	107 sunset trail
TMPL17 059	3. Linda Sasser, behind (right)	73 sunset trail
TMP_L17 064	4. Frank Hamilton, right side of property	72 sunrise drive
TMP	5. Gerri Murphy, left side of property	102 sunrise drive
TMP	6	
TMP		
TMP		
TMP	9	
TMP	10	
	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

### 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.

151 16 1:44PM

### **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.

Dawson Co	unity public benefit.	
X	I am a United States citizen	1.
	I am a legal permanent resi	ident of the United States. (FOR NON-CITIZENS)
		non-immigrant under the Federal Immigration and Nationality Act with an alien artment of Homeland Security or other federal immigration agency. <i>(FOR NON-</i>
My alien nu	mber issued by the Department	of Homeland Security or other federal immigration agency is:
secure and		erifies that he or she is 18 years of age or older and has provided at least one uired by O.C.G.A. § 50-36-1(e)(1), with this affidavit. (See reverse side of this cuments.)
The secure	and verifiable document provid	led with this affidavit can best be classified as:
fictitious, o	r fraudulent statement or representation of representation as allowed by s	oath, I understand that any person who knowingly and willfully makes a false, esentation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 such criminal statute.  (city),(state)  Date
Printed Nan		Name of Business
		SUBSCRIBED AND SWORN BEFORE ME ON  THIS DAY OF COMMON DAY OF Notary Public  My Commission Expires  HARMONY F GEE Notary Public - State of Georgia Dawson County My Commission Expires Aug 9, 2022

20SEP 10 1:44M

(Seal)

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

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

- A United States Passport or Passport Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A United States Military Identification card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A **Driver's License** issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An Identification Card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Tribal Identification Card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:

http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]

- A United States Permanent Resident Card or Alien Registration Receipt Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An Employment Authorization Document that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Passport Issued by a Foreign Government [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Free and Secure Trade (FAST) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A NEXUS Card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A Driver's License issued by a Canadian Government Authority [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]

Printed: 9/10/2020 13:08:41

Register:

ARROWSMITH KENT D

Clerk: KS

### Official Tax Receipt **Nicole Stewart**

**DAWSON COUNTY Tax Commissioner** 

Phone: (706) 344-3520

Fax: (706) 344-3522

25 Justice Way Suite 1222 Dawsonville, GA 30534

Trans No	Property ID Descrip		Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
12328	L17 063	/ 001	248.59	0.00	0.00	248.59	248.59	0.00
Year-Bill No	LL 385 LD 13-S			Fees				
2019 - 502	<b>F88\</b> /: #00.040.0			0.00				1
	<b>FMV:</b> \$26,040.00						Paid Date	Current Due
							11/20/2019 10:49:40	0.00
Transactions:	12328 - 1232	28 Totals	248.59	0.00	0.00	248.59	248.59	0.00

Paid By:

ARROWSMITH KENT D & LINDA

Cash Amt:

0.00 248.59

Check Amt: Charge Amt:

0.00

Change Amt:

0.00 0.00

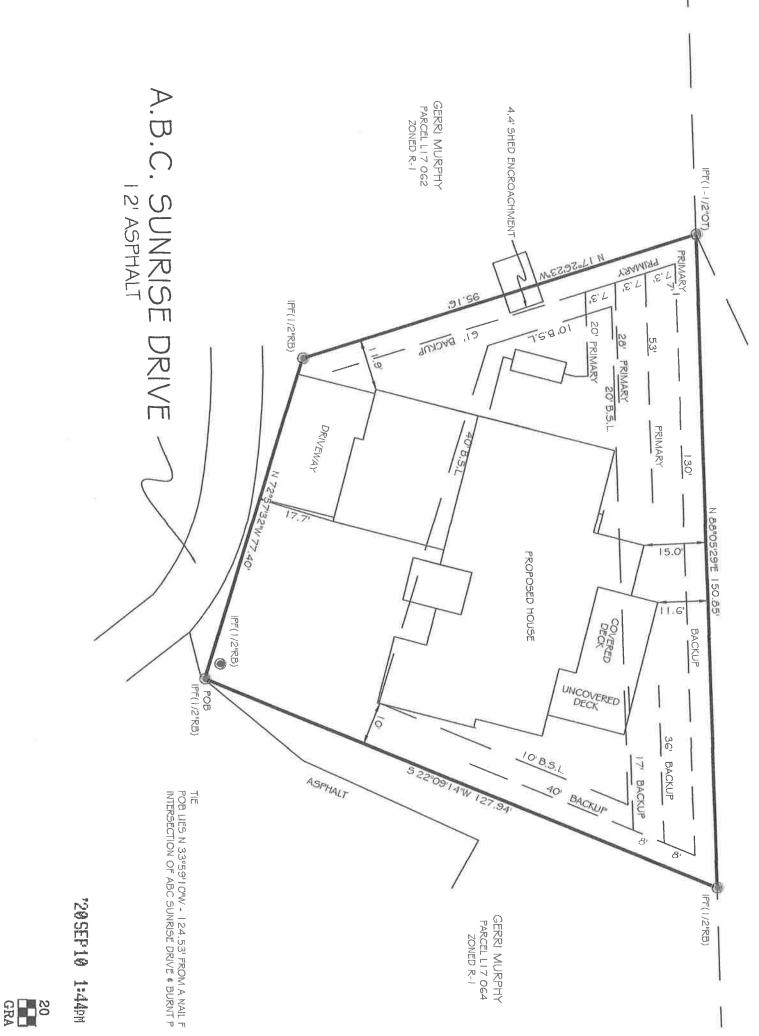
3530

Refund Amt:

Check No Charge Acct

Overpay Amt:

0.00



As required by subsection (d) of O.G.C.A. Section 15-6-67, I hereby certify that this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements heron. Such approvals or affirmations should



### **BILL OF SALE**

720 SEP 10 1:45pm

## Exhibit A - 88 Sunrise

After recording, return to:

Brian G. Smooke, Esq. Smooke & Associates, P.C. 4540 Roswell Road Building C, Suite 202 Atlante, Georgia 30342

Dawson County, Georgia REAL ESTATE TRANSPER TAX

> ecky nocord, clerk SUPERIOR COURT

GEORGIA, DAWSUN CUUNTY LIMITED WARRANTY DEED CLERK'S GERCE, SUPERIOR COURT PILED FOR RECORD

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made the 1st day of December, 2001, between, KENT D. ARROWSMITH, as party or parties of the first part, hereinafter called Grantor, and LINDA ADELMAN, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Seventy Thousand Dollars (\$70,000), paid through the form of a promissory note, paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed, and by these presents does grant bargain, sell, alien, convey unto the said Grantee, the below described tract or parcel of land more fully and completely described as

ALL OF THE LEASEHOLD ESTATE in and to that certain tract or parcel of land located in Land Lot 385 of the South Half of the 13th District, 1st Section, Dawson County, Georgia, and being known as Lot 112, Athens Boat Club, Inc., and being a part of Athens Boat Club, Inc., as shown on that certain Plat recorded at Plat Book I, page 11, Dawson County, Georgia records.

2 of 2

#### **Purchase Agreement**

Offer to Purchase property 88 Sunrise Drive (description Attached Exhibit A) in the amount of

Buyer: Kenneth & Jacqueline Powalowski

Seller: Kent Arrowsmith

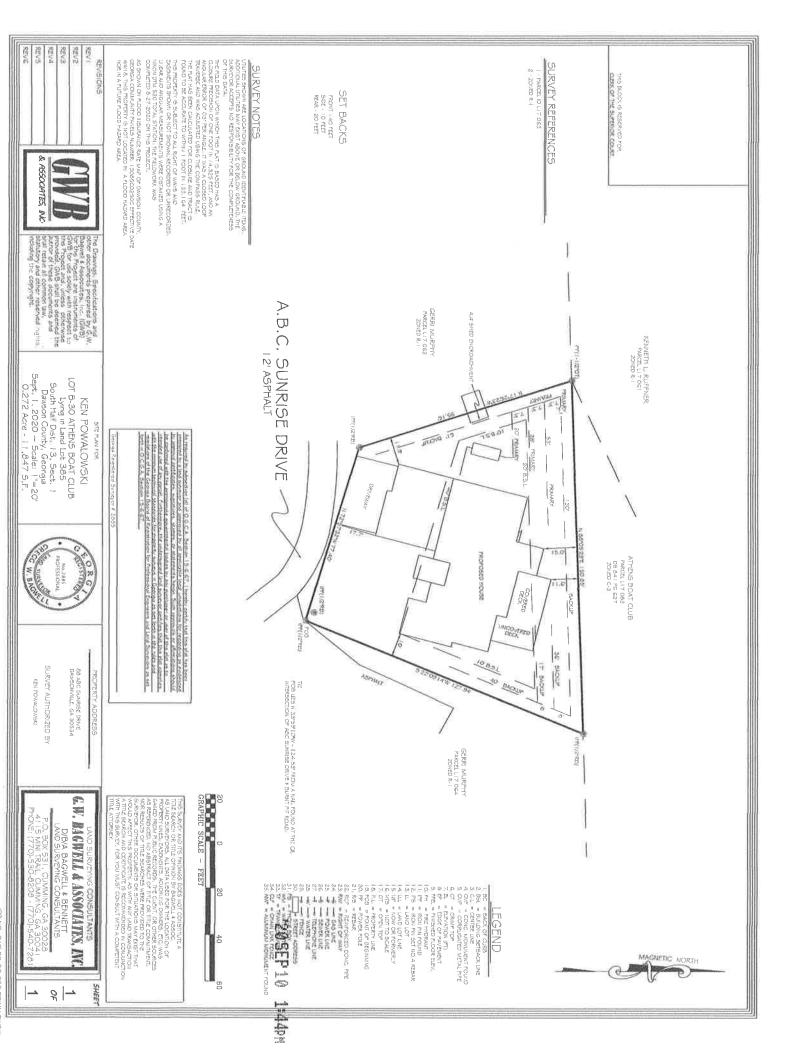
### Sale Contingencies:

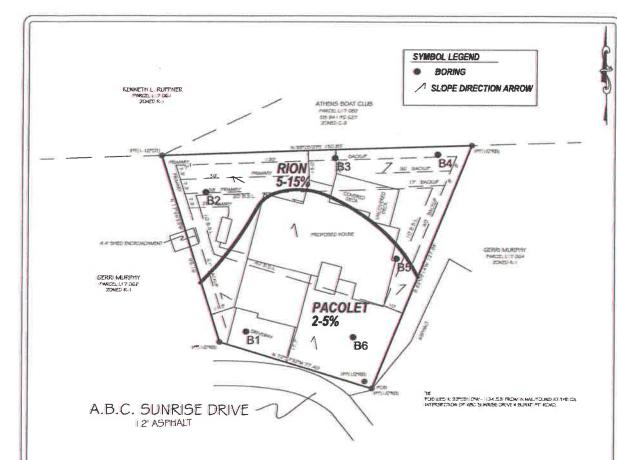
- 1 Transfer of Seller's ABC membership to Buyer
- 2 Sale and successful closing of Buyer's ABC home, 386 Holly Circle
- 3 Inspection and approval of septic system

Bill of sale would be signed and notarized upon transfer of funds from Buyer to Seller.

Buyer _	Ken Parchal	Date:7-21-20
_		Date:
Seller /	Kert Frowsmith	Date: -Tuky 17 2020

Attached is a draft copy of the bill of sale for your consideration that I created for the sale of 88 ABC Sunrise Dr, Dawsonville GA 30534. in the amount of sale would be contingent upon the transfer of your existing ABC membership as well, the sale of our current property located at 386 Holly Cir., Dawsonville GA 30534 and septic inspection and approval.





SOIL UNIT	PRED. SLOPE GRADIENT	DEPTH TO BEDROCK (in)	DEPTH TO HIGH WATER TABLE INDICATORS (in)	INSTALLATION ZONE (in)	ESTIMATED PERC RATE (min/in)	SUITABILITY CODE
Pacolet	2-5	>72	>72	40-48	45	A
Rion	5-15	>72	>72	30-42	45	A

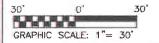
#### NOTE:

- If the area proposed for septic system construction is graded or filled to any extent, this report and the recommendations herein are void.
- 2) Soil borings were located using a Trimble global positioning system. The survey provided by G.W. Bagwell & Associates. This firm assumes no responsibility for the accuracy of the property boundary. The residence and septic system components shown here are conceptual and were designed by others.
- 3) There were no wells observed on or adjacent to the property.
- 4) Ensure that any area proposed for septic system installation, including future reserve area, is properly landscaped such that surface water drainage and ponding does not occur. This includes ensuring that runoff from driveway, hardscape and gutters is diverted away from any component of the septic system.

#### SOIL SUITABILITY CODES:

A) These soils are considered suitable for a conventional septic system and should function satisfactorily given proper design, installation and maintenance.





SOIL INVESTIGATION-LEVEL HI LOT B-30, ATHENS BOAT CLUB 88 SUIRIES DRIVE LL. 286, 19TH DISTRICT DAWSON COUNTY, GEORGIA FOR KEN POWALOWSKI SCALE: 1" = 30" SHEET 1 OF 1 CHECKED BY: KWH DRAWN BY: KWH REVIEWED BY: KWH SEPTEMBER 8, 2020

HORIZON ENVIRONMENTAL, INC. 4530 BLOOMING WAY FLOWERY BRANCH, BEORGIA 80542 KEVIN W. HERNDON, GA SOIL CLASSIFIER (404) 444-0259 - horizonsoils Dama II. cam

90.7745,407.9864





Parcels Roads

Parcel ID: L17 063 Alt ID: 1575

Owner: ARROWSMITH KENT D

Acres: 0.23

Assessed Value: \$26043

Date created: 9/10/2020 Last Data Uploaded: 9/9/2020 11:48:26 PM

Developed by Schneider