

DAWSON COUNTY VARIANCE APPLICATION

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

VR 21-078 Tax Map & Parcel # (TMP): 114 030
Current Zoning: C-1B Commission District #: 3
Submittal Date: 2-18-21 Time: 10:03 am/pm Received by: jko (staff initials)
Fees Assessed: 350 Paid: check
Planning Commission Meeting Date: 3-16-21

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: SBG Services, LLC - Matthew Foley
Address: 1111 Jones Bridge Rd. D2, Johns Creek, GA 30097
Phone: Listed _____ Unlisted _____ Email: Business _____ Personal _____
Status: [] Owner [X] 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 X participated in a Pre-application meeting with Planning Staff.

If not, I agree X /disagree _____ to schedule a meeting the week following the submittal deadline.

Meeting Date: _____ Applicant Signature: _____

PROPERTY INFORMATION

Street Address of Property: 84 Duval Rd. Dawsonville, GA. 30534

Land Lot(s): _____ District: _____ Section: _____

Subdivision/Lot: _____ Building Permit #: _____ (if applicable)

Directions to the Property: Please see attached directions

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: _____

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: The design of the Monument Signs for Miller's Ale House

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: Please see attached response letter

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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: Please see attached response letter

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: Please see attached response letter

4. Describe why granting this variance would support the general objectives within this Resolution:
Please see attached response letter

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.)

1. Describe why strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship:
 - a. We are requesting four (4) signs total for this property. Three (3) main identification signs one (1) on each of the front, and side facades, and one (1) small "to go" sign on the front façade.
 - b. Current sign code allows for a maximum of one (1) sign per elevation and three (3) signs total. The front facade of this property will have two (2) entrances for differing customer types based on their dining experience. A main entrance for eat-in customers and a to-go entrance for customers who have pick up orders. The proposed first sign is the Miller's Ale House branded logo and the proposed second sign at this property is a small sign for the "to go" entrance, allowing customers to easily find the correct entrance for their desired experience.
 - c. The main identification sign is necessary for attracting patrons and will be the first sign at this property, which would utilize the single sign per façade stipulation in code. This is Miller's Ale House's identification logo.
 - d. A second small sign with minimal square footage, showing the To Go entrance is necessary in directing customers to the correct entrance. Due to COVID-19 keeping patrons properly socially distanced is imperative and having different entrances for patrons seeking differing dining experiences helps alleviate some of these concerns by avoiding large numbers of patrons in confined spaces.
 - e. Finally, "to go" dining has become more important segment of sales due to the COVID-19 pandemic. In order to be viable long term, an easily accessible and obvious TO GO option for patrons is needed. The second "to go" sign makes this clear to customers unfamiliar with the Miller's Ale House brand. This sign is minimal in terms of size and square footage, but critical for viability of the business.
2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district:
 - a. With two entrances on the front facing façade for different dining options (eat in and to go) the building's conditions require a deviation from code in order to direct patrons to the correct entrance.
 - b. Additionally, where the building is located, having main identification signage is necessary on three (3) of the facades in order to attract and allow patron's to know where the business is located.
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 their vicinity:
 - a. Granting of this variance would in fact increase the public health and safety by limiting the number of patrons waiting at the main entrance for "to go" meals. This decreases the number of people in a confined area during COVID-19 and properly socially distances patrons waiting for their meal.
 - b. Additionally, this variance would not have any detrimental effect to morals or welfare or be materially injurious to adjacent properties.
4. Describe why granting this variance would support the general objectives within this resolution:
 - a. Granting of this variance would allow for the second sign on the "front" façade. In doing so, the variance would support the general objectives of the resolution.

25 Justice Way

Dawsonville, GA 30534

Take Shoal Creek Rd to Main St

- ↑ 1. Head north toward Shoal Creek Rd 1 min (0.2 mi)
- ↘ 2. Turn right toward Shoal Creek Rd 240 ft
- ↘ 3. Turn right onto Shoal Creek Rd 276 ft
- 0.1 mi

Follow GA-53 E to Lumpkin Camp Ground Rd S/State Rte 9 E

- 📍 4. At the traffic circle, take the 4th exit onto Main St 9 min (6.3 mi)
- ↑ 5. Continue onto Dahlonega St 0.1 mi
- ↘ 6. Turn right onto GA-53 E 0.1 mi
- 6.1 mi

Continue on Lumpkin Camp Ground Rd S/State Rte 9 E to your destination

- ↘ 7. Turn right onto Lumpkin Camp Ground Rd S/State Rte 9 E 4 min (1.4 mi)
- 📍 8. At the traffic circle, take the 3rd exit onto Dawson Forest Rd E 1.2 mi
- ↘ 9. Turn right 0.2 mi
- ↙ 10. Turn left 312 ft
- 197 ft

 Destination will be on the left

3862 Dawson Forest Rd E

Dawsonville, GA 30534

PROPERTY OWNER AUTHORIZATION

I / we Micah S. Linton, as Manager of Rimrock Dawsonville MAH, LLC hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

38 Duval Rd. Dawsonville, GA. 30534

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: SBG Services, LLC - Matthew Foley

Signature of applicant or agent: _____ Date: _____

Printed Name of Owner(s): Micah S. Linton, Manager of Rimrock Dawsonville MAH, LLC

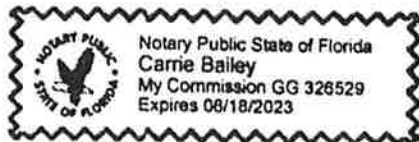
Signature of Owner(s): [Signature] Date 2/9/21

Sworn and subscribed before me
this 9 day of February, 2021.

Notary Public

My Commission Expires: 8/18/23

(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.)

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

- TMP 114 030 001 1. NTB 3560, INC 3180 Willow Lane, Weston, FL. 33331
- TMP 107 318 2. HENDON-BRE DAWSON MARKETPLACE LLC 3520 PIEDMONT RD. NE. STE. 410 ATLANTA, GA. 30305
- TMP 107 318 004 3. CFT NV DEVELOPMENT LLC 1683 WALNUT GROVE AVE. ROSEMEADM CA 91770
- TMP 114 004 4. CHELSEA GCA REALTY CPG PARTNERS LP PO BOX 6120 INDIANAPOLIS, IN. 46206
- TMP 107 318 013 5. HENDON-BRE DAWSON MARKETPLACE LLC 3520 PIEDMONT RD. NE. STE. 410 ATLANTA, GA. 30305
- TMP 114 031 002 6. HOWSER WORLDWIDE LLC 12570 CRABAPPLE RD. ALPHARETTA, GA. 30004
- TMP 114 031 003 7. DAWSON FOREST DEVELOPER LLC 5200 ROSWELL RD. NE. ATLANTA, GA. 30342
- TMP 114 031 001 8. DAWSON FOREST DEVELOPER LLC 5200 ROSWELL RD. NE. ATLANTA, GA. 30342
- TMP 114 031 004 9. DAWSON FOREST DEVELOPER LLC 5200 ROSWELL RD. NE. ATLANTA, GA. 30342
- TMP 114 031 005 10. DAWSON FOREST DEVELOPER LLC 5200 ROSWELL RD. NE. ATLANTA, GA. 30342
- 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:  Date: 2-12-2021

Signature of Witness:  Date: 2-12-2021

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.

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

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 Jacksonville (city), Florida (state)


Signature of Applicant

2/9/21
Date

Micah S. Linton
Printed Name

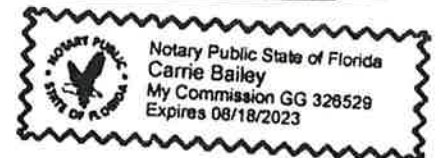
Rimrock Dawsonville MAH, LLC
Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON

THIS 9 DAY OF February, 20 21

 Notary Public

My Commission Expires: 8/18/23



(Seal)

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Searched Book: **85**

Page: **192** in **DAWSON County**

County good from **3/8/2004** through **2/4/2021**

Query Made: **2/8/2021 1:45:41 PM**

County	Instrument Type	Date Filed	Time	Book	Page
DAWSON	PLAT / MAP	11/2/2020	2:05 PM	85	192

Description

SEE LEGAL DESCRIPTION

Sec/GMD	District	Land Lot
1	13	0371
1	13	0372
1	13	0407

Names/Caption

HIGHLAND 1 LLC
 HIGHLAND ACCESS PARCEL
 HIGHLAND ONE LLC
 RIMROCK DEVLIN DEVELOPMENT LLC

Cross-Referenced Instruments

LIEN	NOTICE	BOOK 80, PAGE 72
DEED	DECLARATION RESTRICTIVE COVENANTS	BOOK 1458, PAGE 366
DEED	LEASE	BOOK 1458, PAGE 373
DEED	WARRANTY DEED	BOOK 1465, PAGE 541
DEED	SECURITY DEED	BOOK 1465, PAGE 545
DEED	CONTRACT	BOOK 1465, PAGE 560
DEED	CONTRACT	BOOK 1465, PAGE 566

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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 - 11899	114 030 / 1 LL 372,407 LD 13-1 FMV: 3592800	\$34006.57	\$0.00 Fees: \$0.00 \$0.00	\$0.00	\$34006.57	\$0.00
Totals:		\$34006.57	\$0.00	\$0.00	\$34006.57	\$0.00

Paid Date: 12/4/2020

Charge Amount: \$34006.57

RIMROCK DEVLIN DAWSONVILLE LLC



Scan this code with your mobile phone to view this bill

Summary

Parcel Number 114 030
 Location Address 3862 DAWSON FOREST RD E
 Legal Description LL 372,407 LD 13-1
 (Note: Not to be used on legal documents)
 Class C4-Commercial
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Tax District UNINCORPORATED (District 01)
 Millage Rate 23.867
 Acres 7.11
 Neighborhood 400 (00042)
 Homestead Exemption No (S0)
 Landlot/District 372 /



[View Map](#)

Owner

RIMROCK DEVLIN DAWSONVILLE LLC

Land

Type	Description	Calculation Method	Frontage	Depth	Acres	Lots
Commercial	400 Commercial 600000	Acres	0	0	7.11	0

Permits

Permit Date	Permit Number	Type
09/06/2019	13597	COMMERCIAL
08/12/2019	13505	GENERAL MAINT.
11/14/2018	12669	DEMOLITION
09/27/2018	12518	COMMERCIAL
07/11/2017	11112	GRADING
04/21/2011	4-11-6298	ADDITION

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/20/2016	1223 600		\$0	Title	HIGHLAND ONE LLC	RIMROCK DEVLIN DAWSONVILLE LLC
12/20/2016	1223 596	19 299	\$4,650,000	Fair Market Sale (Improved)	HIGHLAND ONE LLC	RIMROCK DEVLIN DAWSONVILLE LLC
12/15/2015	1178 50		\$0	Trades	HENDON-BRE DAWSON MARKETPLACE	HIGHLAND ONE LLC
12/15/2015	1177 44		\$0	Trades	HIGHLAND ONE LLC	HENDON-BRE DAWSON MARKETPLACE LLC
12/7/2015	1176 544		\$0	Government (346)	DAWSON COUNTY	HIGHLAND ONE LLC
1/5/2005	642 610	19 299	\$0	Gift	NORTON JAMES O & K K	HIGHLAND ONE LLC
6/2/1994	185 2 2		\$0	Fire Sale	& RICH HOMES OF ATL	NORTON JAMES O & K K
6/2/1994	185 2 1		\$0	Fire Sale	RICH HOMES ATL	AMER REAL EST INVEST
5/27/1994	185 2 2		\$162,000	Fair Market Sale (Improved)	RICHMOND HOMES ATL	AMER REAL EST INVEST
10/28/1993	175 1 10	19 2 99	\$33,100	Fair Market Sale (Improved)	NORTON JAMES O & K K	NORTON JAMES O & K K
8/22/1990	135 1 60		\$125,000	Fair Market Sale (Improved)		AMER REAL ESTATE CO

Valuation

	2020	2019	2018	2017	2016
Previous Value	\$3,167,575	\$3,167,575	\$3,167,575	\$3,167,575	\$2,632,375
Land Value	\$3,592,800	\$3,102,000	\$3,102,000	\$3,102,000	\$3,102,000
+ Improvement Value	\$0	\$60,575	\$60,575	\$60,575	\$60,575
+ Accessory Value	\$0	\$5,000	\$5,000	\$5,000	\$5,000
= Current Value	\$3,592,800	\$3,167,575	\$3,167,575	\$3,167,575	\$3,167,575

2016 FEB 12 10:04 AM

Photos



No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Sketches.

The Dawson County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

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