



DAWSON COUNTY VARIANCE APPLICATION
25 Justice Way, Dawsonville, Georgia 30534

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Meritage Homes of Georgia, Inc.

Address: _____

Contact Email: _____ Telephone # _____

Status: Owner Authorized Agent Lessee

PROPERTY INFORMATION

Street Address of Property:

10 Beech Lane North

Land Lot(s): 348, 349, & 369 District: 13th Section: 1st

Subdivision/Lot: The Woods at Dawson / 144

Building Permit #: _____ (if applicable)

REQUESTED ACTION

A Variance is requested from the requirements of Article # III Section # 121-66 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other.

Front Yard setback Side Yard setback Rear Yard setback variance of 10 feet to allow the structure to be constructed; remain a distance of 10 feet from the property line, or other: 50' access and utility easement on Timberland Avenue instead of the required distance of 20 feet as required by the regulations.

Home Occupation Variance: _____

Other (explain request): _____

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

23APR27 1:23AM



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Variances to standards and requirements of the Regulations, with respect to setbacks, 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 current setback will not allow for construction of unit as depicted on permitted Land Disturbance plans and recorded final plat.

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

The unit has two road frontages, one on the side and one on the front. The front of the building is 20' per code. The side was designed, permitted, and platted without a setback because it was not considered a building front.

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 building would be 10' outside the 50' access easement and would not interfere with any utilities or structures. Building would match with permitted and platted designs.

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

The variance still allows for a separation of the building from the 50' access easement. The 20' Front setback allows for a driveway to the unit. Because this is a side yard of the building, there is no driveway to account for.

Add extra sheets if necessary.



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I understand that my request will be acted upon at the Planning Commission 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: 4/26/23

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.

THIS SECTION TO BE COMPLETED BY STAFF

VR 22- _____ Tax Map & Parcel# _____

Zoning: _____ Commission District #: _____

Submittal Date: _____ Time: am/pm Received by: _____ (staff Initials)

Fee Paid: _____ Planning Commission Meeting Date: ____/____/2022

23 APR 27 11:29 AM



4/26/2023

Dawson County Planning and Development
25 Justice Way
Dawsonville, GA 30534

RE: Statement of Hardship and Proposed Resolution for Lot 144 at The Woods at Dawson

Dawson County Planning and Development,

Below details the background, hardship and proposed resolution for Meritage Homes' Variance Request to reduce the Front Setback along Unit 144 along Timberland Avenue at the Woods at Dawson. We greatly appreciate your consideration for this variance request.

Background

Lot 144 at the Woods at Dawson was designed and permitted at the corner of Beech Lane North and Timberland Avenue. Since Lot 144 is part of a townhome building that consists of five units (144 – 148), the side of the building along Timberland Avenue was not considered to have a Front Setback of 20'. When the plans were permitted by Dawson County on July 23, 2020, the setback was purposely left off the side of the Unit 144 because the front of the building faces Beech Lane North. The site was developed with all storm, sewer, water, grading, curb and paving per the permitted plans. Also power, gas, phone and cable were installed per the designed layout of building 144-148. The Woods at Dawson Phase 2 Final Plat, recorded October 3, 2022, also did not show a setback next to lot 144 along Timberland Avenue because it was not considered the front of the building.

Hardship

Lots 144 through 148 were developed and platted per the permitted plans which did not include a 20' front setback along the buildings right side because the front of the building is not along Timberland Avenue. In order to accommodate a 20' setback along the side of the building, either Unit 144 would have to be eliminated or the entire building would need to be shifted from the permitted and platted location 9.5'.

This shifting of the building will require the installed water services, sewer laterals and pad grading will need to be moved from what was originally permitted and platted. To complete this work, Beech Lane North would be open cut to tie in the sewer laterals and the asphalt replaced. The relocation of the laterals would require coordination with gas, power and cable lines that are installed within the 50' access and utility easement. Further, Sawnee EMC would have to relocate their transformers next to Unit 148 to accommodate the shift of the building. The cost associated with making these adjustments from the permitted plans will cost approximately \$90,000 and require permitting and revision on the final plat through Dawson County and Etowah Water and Sewer Authority.

25 APR 27 11:29 AM

Currently \$73,500 has been spent to purchase and develop Lot 144. That cost plus the revenue for the sale of approximately \$400,000 for Unit 144 would be lost if the lot was eliminated. Also the architectural plans for the building would need to be revised for a four unit building instead of a five unit building. The water and sewer services for Unit 144 would have to be abandoned per Etowah Water and Sewer Authority standards. Finally, the Woods at Dawson Final Plat would have to be revised and recorded with Dawson County and Etowah Water and Sewer Authority to remove lot 144.

Proposed Resolution

Meritage proposes that instead of a 20' Front Setback there be a 10' Front Setback on Timberland Avenue along Unit 144. This is the side of the building so no driveway will be provided along Timberland Avenue. This will match the permitted Land Disturbance Plans and the recorded Final Plat for the Woods at Dawson.

Sincerely,



Clay Kirkley
Vice President Land Development
Meritage Homes

Attachments:

- A) Variance Exhibit which shows proposed building with 10' Setback along Timberland Avenue
- B) Sheet C203 Site Plan from July 23, 2020, Dawson County permitted Land Disturbance Plans which shows Unit 144
- C) Sheet 5 of 5 of Dawson County Final Plat, recorded Bk 00088 Pg 0085-0089 which shows Unit 144

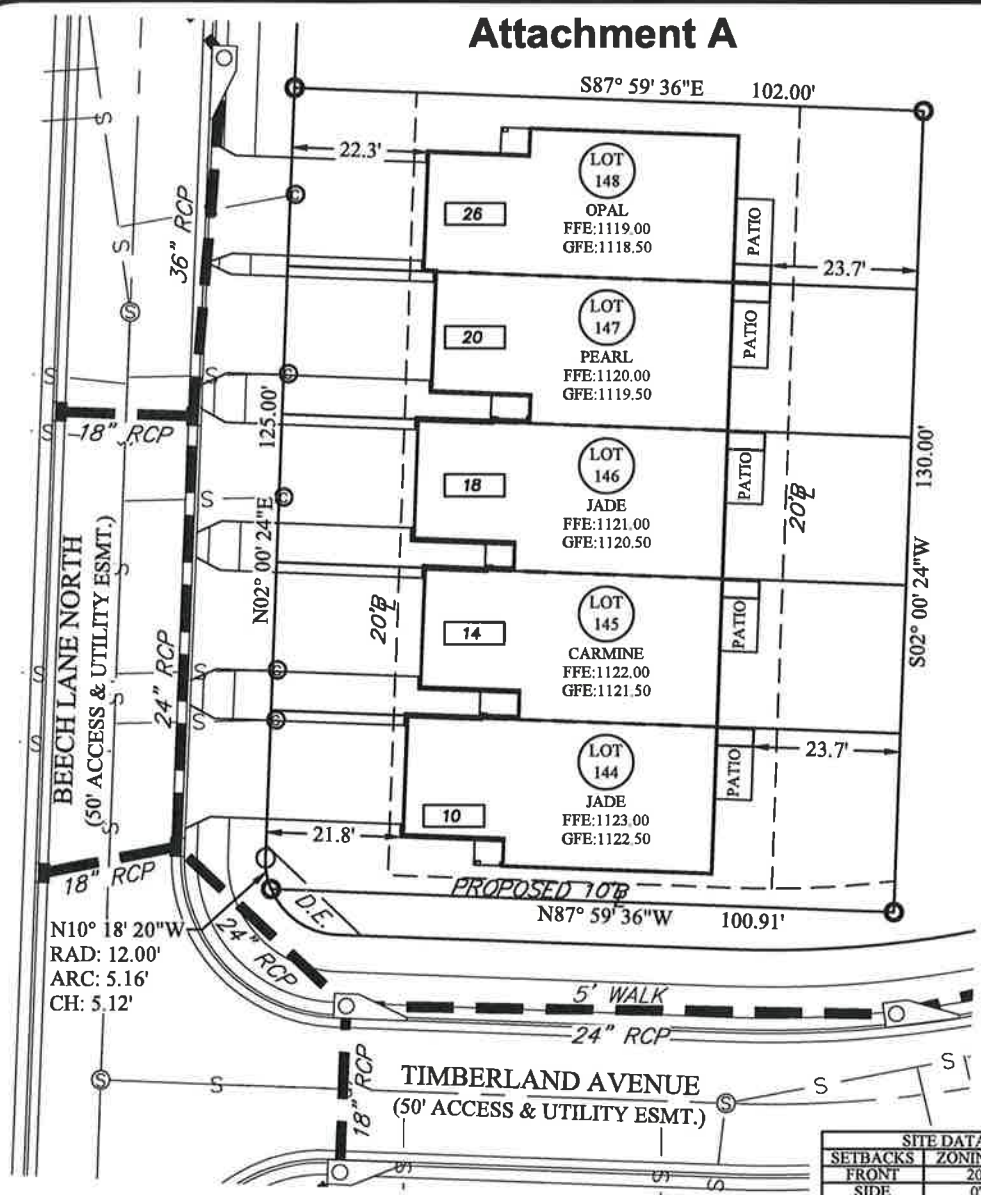
Attachment A



GRID NORTH
GEORGIA WEST ZONE
NAD 1983

VARIANCE EXHIBIT

PREPARED FOR: MERITAGE HOMES
LAND LOT 349, DISTRICT 13, SECTION 1
LOTS 144-148, THE WOODS AT DAWSON,
10, 14, 18, 20, 26 BEECH LANE NORTH
DAWSONVILLE, GEORGIA 30534
4/7/2023



SITE DATA	
SETBACKS	ZONING: C-PCD
FRONT	20' MIN
SIDE	0' MIN
REAR	20' MIN

- NO FIELD WORK HAS BEEN PERFORMED
- THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND RESTRICTIONS OF RECORD
- BOUNDARY ZONE IS UNABLE TO WARRANT THE ACCURACY OF THE BOUNDARY INFORMATION, STRUCTURE, EASEMENTS AND BUFFERS THAT ARE ILLUSTRATED ON THE SUBDIVISION PLAT.
- UTILITY EASEMENTS HAVE NOT BEEN VERIFIED BY SURVEYOR.
- DIMENSIONS FROM HOUSE TO PROPERTY LINES SHOULD NOT BE USED TO ESTABLISH FENCES.
- LOTS MAY HAVE A RESERVE STRIP FOR DRAINAGE CONTROL, 5' ON EITHER SIDE OF PROPERTY LINES, DEPENDANT ON ZONING CONDITIONS AND/OR COUNTY REGULATIONS
- BUILDER TO HAVE BOX CHECKED PRIOR TO INSTALLATION OF PLUMBING.
- THIS DRAWING DOES NOT CONSTITUTE A SURVEY, THIS DRAWING DOES NOT REFLECT AS-BUILT INFORMATION.
- BUILDER IS RESPONSIBLE FOR ANY ENCROACHMENTS INVOLVING FEATURES NOT CLEARLY AND ACCURATELY SPECIFIED IN ON PROVIDED ARCHITECTURAL PLANS. HOUSE DIMENSIONS ARE FROM OUTSIDE EDGE OF FRAMING AND DOES NOT INCLUDE EAVES/OVERHANGS, FOOTING/FOUNDATION AND FACADE MATERIALS, WHICH MAY CAUSE ENCROACHMENTS ON BUILDING SETBACK LINES. BUILDER WILL NEED TO APPLY FOR VARIANCE WHERE ENCROACHMENT OCCURS.
- THE ISSUANCE OF A BUILDING PERMIT DOES NOT ASSURE THAT THE BUILDING SETBACKS HAVE BEEN MET OR THAT THE STRUCTURE DOES NOT ENCROACH ON AN EASEMENT, OF BUFFER, THE OWNER AND/OR PERMIT HOLDER HAVE THE SOLE RESPONSIBILITY OF DETERMINING COMPLIANCE WITH SETBACKS AND NON-ENCROACHMENT OF EASEMENT AND BUFFERS.

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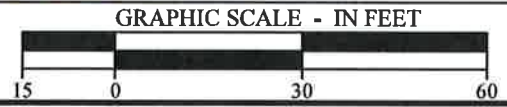
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SUWANEE (770) 271-5772
800 SATELLITE BLVD
SUWANEE, GEORGIA 30024

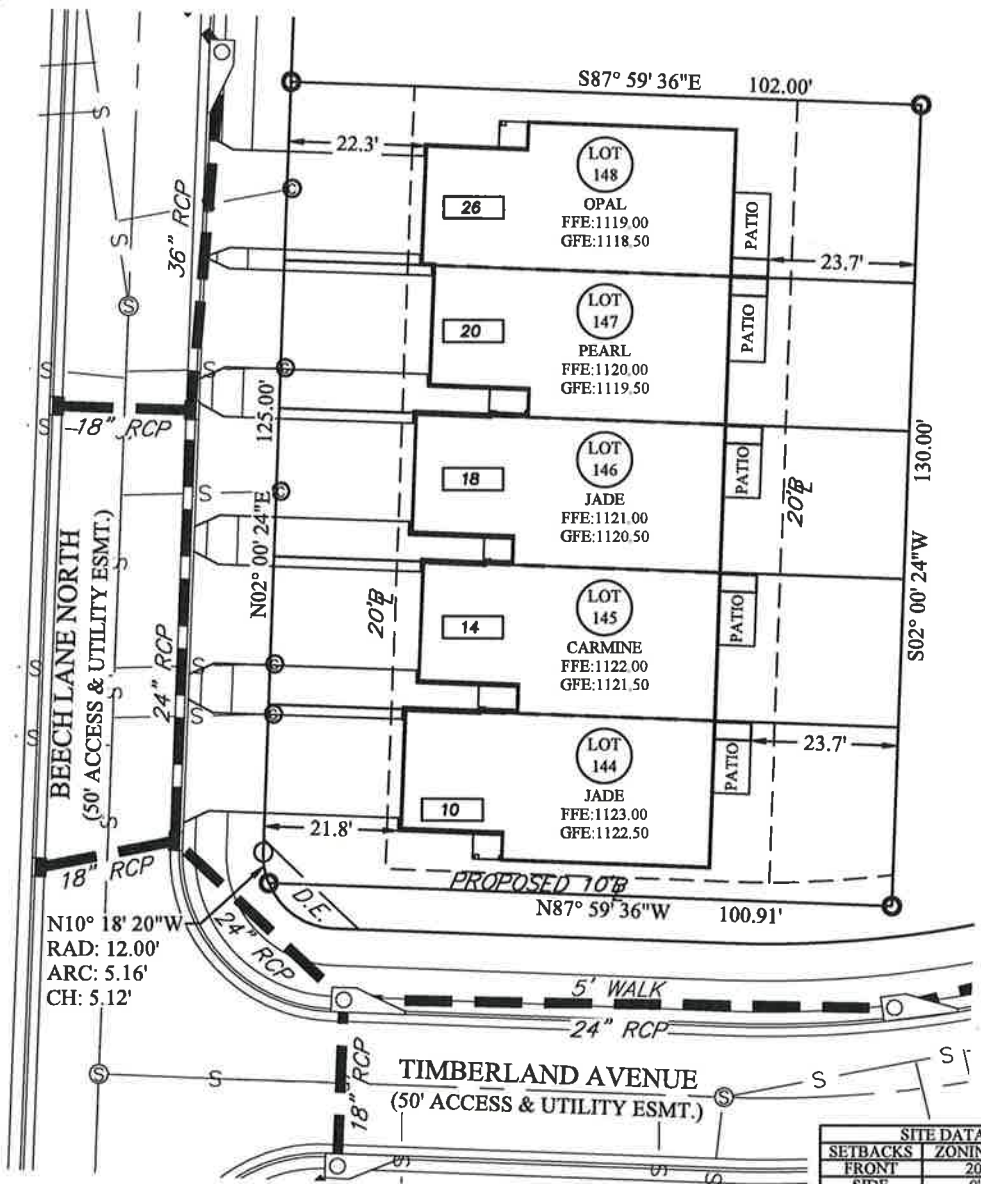
ATLANTA (404) 446-8180
1100 PEACHTREE ST, SUITE 200
ATLANTA, GEORGIA 30309

KENNESAW (678) 730-4393
125 TOWNPARK DR, SUITE 300
KENNESAW, GEORGIA 30144



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1 OF 1

1:29 PM



GRID NORTH
GEORGIA WEST ZONE
NAD 1983

VARIANCE EXHIBIT

PREPARED FOR: MERITAGE HOMES
LAND LOT 349, DISTRICT 13, SECTION 1
LOTS 144-148, THE WOODS AT DAWSON,
10, 14, 18, 20, 26 BEECH LANE NORTH
DAWSONVILLE, GEORGIA 30534
4/7/2023

SITE DATA	
SETBACKS	ZONING, C-PCD
FRONT	20' MIN.
SIDE	0' MIN.
REAR	20' MIN.

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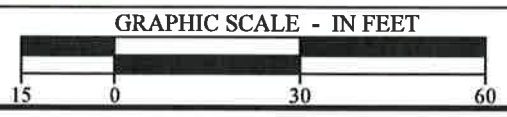
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1 OF 1

Filed 10/03/2022 04:53PM
BX 00088 Pg 0085-0089
Plat Doc: PLAT
Penalty: \$0.00 Interest: \$0.00
Participants: 0046780811
JUSTIN POWER, Clerk of Superior
Court
DAWSON County, Georgia

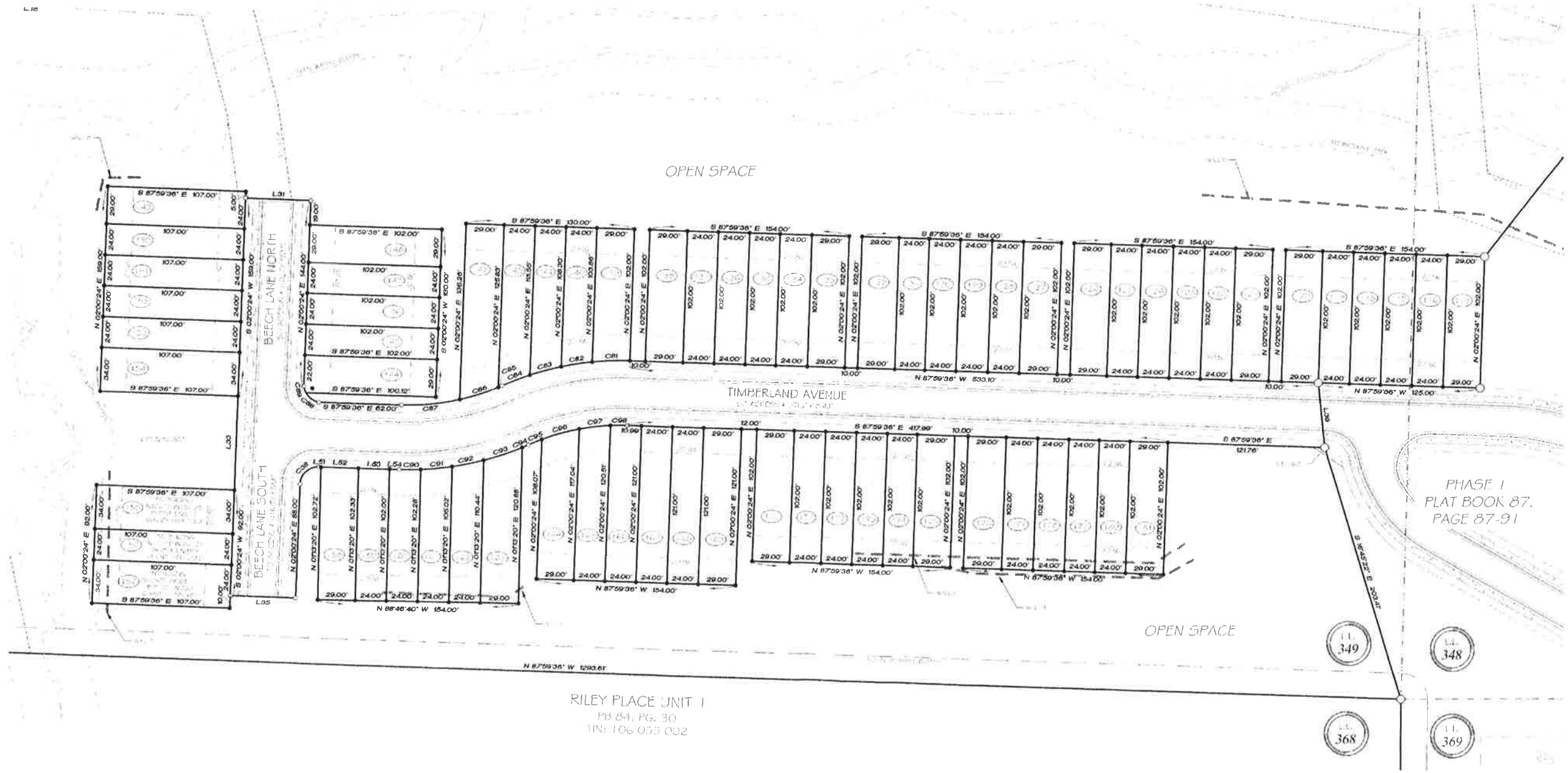
ALLIANCE
LAND SURVEYING

LOCATED IN:
LAND LOTS 348, 349, & 369
3RD DISTRICT ~ 1ST SECTION
DAWSON COUNTY, GEORGIA

FINAL PLAT
THE WOODS AT DAWSON
PHASE 2
FOR
MERITAGE HOMES OF GEORGIA INC.

DATE	10/03/2022
BY	J.P.
CHECKED BY	D.A.
PROJECT #	202003

811
Know what's below.
Call before you dig



RILEY PLACE UNIT 1
PB 84, PG. 30
TN: 106 055 032

PHASE I
PLAT BOOK 87,
PAGE 87-91

