



APPEALS OF ZONING BOARD OF APPEALS DECISION APPLICATION

AV180001

RECEIVED BY <i>Asc</i>	FOR OFFICE USE ONLY	DATE STAMP MAY 20 2012 2:43
PIN # _____	BOC DISTRICT# _____	ZONING: _____
		ZA# _____
		AP # _____

Appeals of decisions made by the Zoning Board of Appeals may be taken by any person aggrieved by any decision . Appeals of ZBA decisions shall be made within ten (10) days of the date of the decision or action being appealed. The Board of Commissioners shall confine the evidence to matters related to the issue set forth in the minutes of the Zoning Board of Appeals and the petition for review.

**A. APPLICANT INFORMATION (REQUIRED FOR ALL APPLICANTS):**

Applicant Status:  Owner  Authorized Agent

Name: JW CHANCE LAND ENTITLEMENT HOUSE

Address: 1840 BRIARWOOD TRAIL, CUMMING GA 30041

E-mail Address: [REDACTED]

**B. ATTORNEY REPRESENTATION INFORMATION (IF APPLICABLE):**

Preferred Contact:  Applicant  Attorney

Name: \_\_\_\_\_

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

Phone#: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**C. PROPERTY INFORMATION (REQUIRED FOR ALL APPLICANTS):**

Tax Map & Parcel #(s): (e.g. xxx-xxx, xxx-xxx) 268-002

Zoning: M-1 Affected Applications: (e.g. ZAXXXX, SP08XXXX, etc.) ZA2450

Subdivision Name: N/A Lot # (s): (e.g. 1, 3, 5-7) N/A

Property Address: 4620 KEITH BRIDGE RD, CUMMING GA 30041

**D. REQUEST AN APPEAL OF A DECISION (REQUIRED FOR ALL APPLICANTS):**

What is the Zoning Board of Appeal's (ZBA) application #

VA180012

What was the date of the ZBA decision that is now subject of this appeal?

4/3/2018

*Complete the following by providing as much information as possible. Attach additional sheets only if additional space is necessary. A site plan is optional and should only be submitted if said site plan graphically helps to present the facts.*

Briefly explain the decision being appealed. Clearly and concisely explain the reasons why the Board of Commissioners should review the ZBA decision. The description must include any error, procedural or substantive, allegedly committed by the Zoning Board of Appeals.

**The decision was to not allow the setback and buffer variance as requested, based on noncompliance with UDC section 8-6.4 4(a) conditions #2 & #6. The applicant believes that decision was made in error for the reasons below.**

**The variance, if granted, could not be a detriment to adjacent properties because the affected property is owned by the applicant, and the affected property must remain a buffer for the landfill to the south.**

**Because of the required buffer for the M-2 property to the south, the property must remain a buffer even for the time period after the landfill has closed. Also, the property is surrounded by M-1, M-2 and CBD properties, therefore begging for a like rezoning and making this condition #6 null.**

**The decision by the Zoning Board of Appeals did not consider the facts on the ground. The representative for the applicant was not given ample time to rebut each and every claim made by the opposition, of which we believe does not speak specifically to the variance requested.**

**E. CORPORATE / COMPANY DISCLOSURES**

Pursuant to UDC 8-2.1(H): If the owner or authorized agent is a corporate entity, provide the names of the officers, directors, and stockholders if controlling 10% or more, unless the corporation has stock that is traded on a national stock exchange. Also identify any parties having a direct financial interest in the zoning application other than the owner and applicant (e.g. developer or anticipated commercial occupant). If such additional parties having a direct financial interest are corporations or companies, then provide the names of officers, directors, company members, stockholders with 10% ownership or greater, unless the corporation has stock that is traded on a national stock exchange. In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified:

N/A

**F. PROPERTY OWNER AUTHORIZATION AFFIDAVIT (REQUIRED FOR ALL APPLICANTS): ADD ADDITIONAL SHEETS IF APPLICABLE.**

Notice to Applicant. This application must be signed by the owner(s) as listed on the deed of record for the subject property. owner or authorized agent (i.e. applicant or representing attorney) may speak on behalf of this application at the public hearing. The undersigned hereby swear that he/she/they is/are the owner(s) of the subject property as identified on this application.

I/We hereby authorize the authorized agent or attorney listed on the front of this application to speak and act on behalf of the appeal  
I/We realize that any action granted for this property will be binding on the property regardless of ownership.

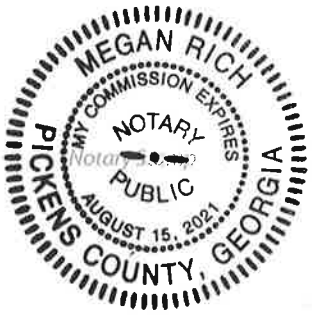
Owner Name: DANNY M. BENNETT

Address: 5665 ATLANTA HWY, STE 103-205, ALPHARETTA, GA 30004

Bus. Phone#: 678-773-1535 E-mail: [REDACTED]

Signature of Owner: *D M Bennett* Date: 4-11-18

Signature of Notary: *Megan Rich* Date: 4-11-18



**G. APPLICANT CERTIFICATION (REQUIRED FOR ALL APPLICANTS): PLEASE READ AND INITIAL THE FOLLOWING STATEMENTS.**

- DMB 1) I hereby request the action contained within this application relative to the property associated with the VA# referenced above and further request that this item be placed on the Board of Commissioners (BOC) agenda for consideration of a public hearing.
- DMB 2) I understand that my request will be rejected if all the necessary information and/or requirements are not presented.
- DMB 3) I understand that I have an obligation to present all necessary information required by the Unified Development Code to enable the Board of Commissioners to make an informed determination on my request.
- DMB 4) I understand that my request **may** be acted upon at the BOC public hearing and that I am required to be present or to be represented by the authorized representative as indicated on this application, so that someone is available to present all facts and answer questions. I understand that failure to appear at a public hearing may result in the postponement or denial of my request. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Forsyth County.
- DMB 5) I understand that the Board of Commissioners shall receive either oral or written evidence from the petitioner, the applicant before the Zoning Board of Appeals and from property owners and parties of record at the time the Zoning Board of Appeals considered the matter.

**H. APPLICANT WITHDRAWAL (ONLY SIGN IF OFFICIALLY WITHDRAWING APPLICATION REQUEST):**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTES:**

OWNER: GREENLEAF MATERIALS & SUPPLY LLC  
 5665 ATLANTA HWY  
 STE 103-205  
 ALPHARETTA, GA 30004

EXISTING ZONING: M-1  
 ZONING APPLICATION: #ZA2450  
 LAND LOTS 576 & 607  
 14TH DISTRICT - 1ST SECTION  
 FORSYTH CO. GA  
 PIN(S) #268-002

- 1.) A 12 INCH WATER MAIN RUNS ALONG THE NORTHERN GA HWY 306 RIGHT OF WAY.
- 2.) POWER IS AVAILABLE ALONG THE GA HWY 306 RIGHT OF WAY.
- 3.) A PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN AS PER F.I.R.M. PANEL NO. 13117C0070F -DATED MAR 04, 2013.
- 4.) SITE WILL COMPLY WITH UDC TABLE 14.2.
- 5.) BOUNDARY INFO FROM PLAT BY DAVID BEALLE IN PLAT BOOK 60, PAGE 100.

**SUMMARY**

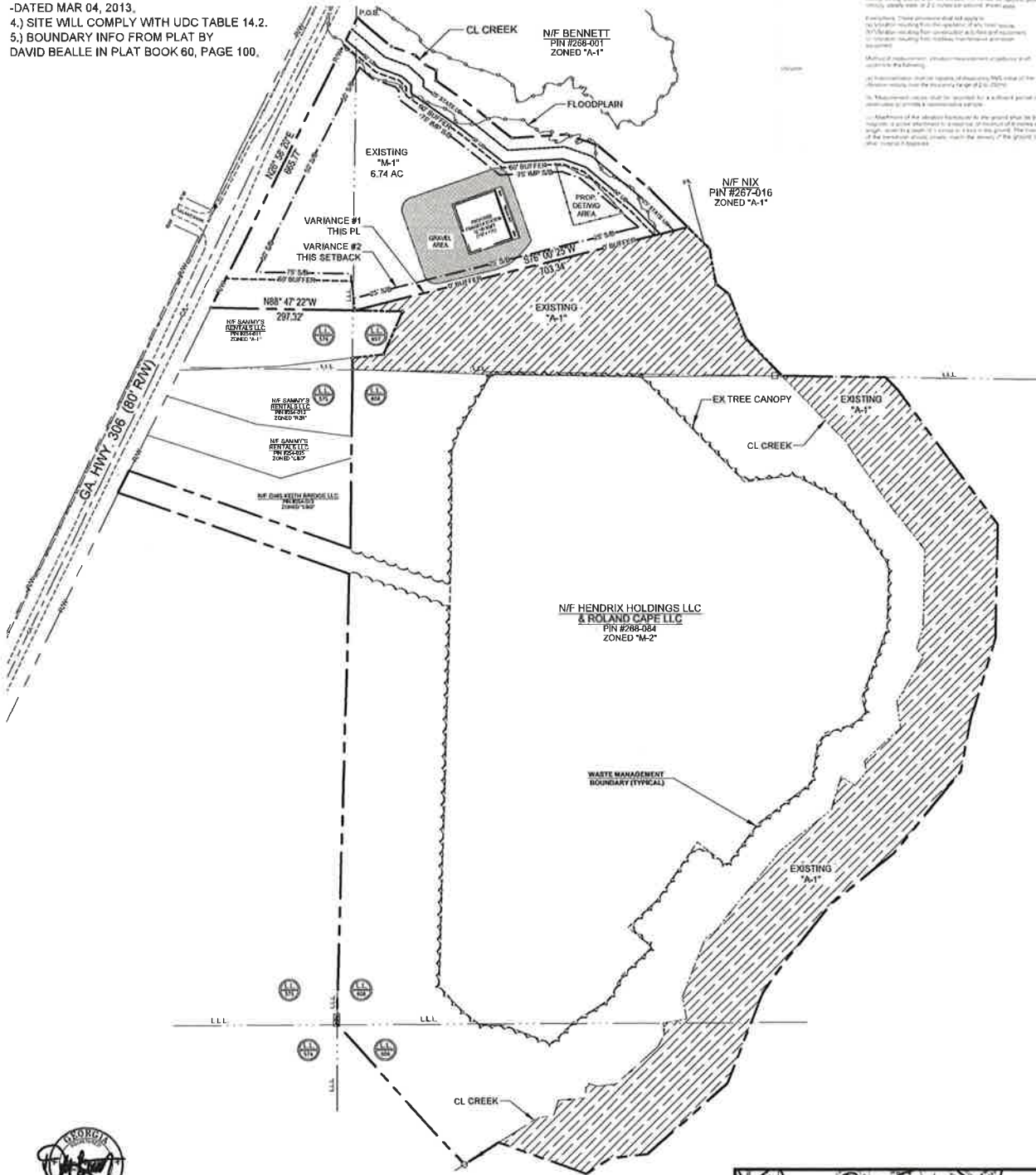
ACREAGE: 6.74

SETBACKS:  
 FRONT: 50'  
 SIDE: 75'  
 REAR: 25'

**VARIANCE REQUESTS**

- 1.) UDC 14-2.1 (TABLE 14.2)  
 VARIANCE OF 60' TO ELIMINATE BUFFER REQUIREMENT ON SOUTH EASTERN BOUNDARY ONLY
- 2.) UDC 14-2.1 (TABLE 14.2)  
 VARIANCE OF 50' TO ALLOW 25' SETBACK ADJACENT TO PARCEL #268-084 ONLY

Performance Standard	Minimum Required	Proposed	Variance
Setback	50'	0'	50'
Side	75'	25'	50'
Rear	25'	25'	0'



16 FEB 18  
**SCALE: 1"=100'**

**CONTRACTING ENGINEERS INCORPORATED**  
 5420 BELL BOWEN ROAD  
 DANVER, GA 30028-3004  
 678-775-1335

**VARIANCE SITE PLAN FOR:  
 GREENLEAF  
 MATERIALS & SUPPLY**

**VICINITY MAP**  
 NOT TO SCALE



# Forsyth County GIS Viewer

Date Printed: Apr 17, 2018