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Forsyth County Department of  
Planning & Community Development

Rezoning, CUP and Sketch Plat Application

This form is required for submittals of all rezoning, conditional use permit (CUP) and sketch plat applications. While this application provides some information regarding the necessary requirements to submit a complete application, the full application requirements (e.g. minimum site plan requirements) and process (e.g. flowcharts) can be found on the Web site at [forsythco.com](http://forsythco.com). From the main Web page, please choose **Planning** from the drop down *Department* menu then select **Long Range Planning Division** under *Subdepartments* on the left side of the page.

**A. SUBMITTAL TYPE**

Application for Zoning Review

If this submittal is a revision, please specify the previously assigned application number:

ZA3862

**B. REQUESTED ACTION: PLEASE CHECK ALL THAT APPLY (E.G. REZONING, REZONING WITH A CUP, ETC.)**

Rezoning

Conditional Use Permit (CUP)

Sketch Plat

CUP for a communication tower

**APPLICANT INFORMATION**

Applicant Status:  Owner  Authorized Agent

Name: MKW Capital, LLC

Address: PO Box 149, Jamestown, RI, 02835

Phone#: (770) 781-4100

E-mail Address: [eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

**ATTORNEY REPRESENTATION INFORMATION (IF APPLICABLE)**

Preferred Contact:  Applicant  Attorney

Name: Miles Hansford & Tallant, LLC- J. Ethan Underwood

Address: 202 Tribble Gap Road, Suite 200, Cumming, Georgia 30040

Phone#: (770) 781-4100

E-mail Address: [eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

**PROPERTY INFORMATION**

Tax Map & Parcel #(s): (e.g. xxx-xxx, xxx-xxx) 103-011, 103-301, 103-425 and 104-069

Current Zoning: A1 & CR1

Proposed Zoning: RES2

Proposed Use: Dwellings, Single Family Residential Conservation Property Acreage: 104.31

Proposed Road Access: Silverleaf Trail & Keithwood Drive

Does the subject property lie partly within or adjacent to the City of Cumming?  Yes  No

FOR STAFF USE ONLY  
DATE & TIME STAMP  
Application #



**ADDITIONAL REQUESTED VARIANCE(S) (SEPARATE SHEET REQUIRED FOR EACH REQUESTED VARIANCE):**

- 1) A separate sheet is required for each variance request. The number of this variance request is: **Variance #1**
- 2) Please indicate which section of the Unified Development Code (UDC) is requesting to be varied, e.g. Chapter 11, Table 11.2(a).

**UDC § 11-3.3 [and by reference Table 11.2(b)] & UDC § 19-3.3(G)(1)**

- 3) Please check the type of variance being requested:

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- Front yard variance of \_\_\_\_\_ feet to allow a front yard setback to be \_\_\_\_\_ feet.
- Rear yard variance of \_\_\_\_\_ feet to allow a rear yard setback to be \_\_\_\_\_ feet.
- Side yard variance of \_\_\_\_\_ feet to allow a side yard setback to be \_\_\_\_\_ feet.
- Exterior yard variance of \_\_\_\_\_ feet to allow an exterior yard setback to be \_\_\_\_\_ feet.

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- Other: **Exterior buffer variance of 15 feet to allow the Exterior buffer to be 10.**

- 4) Written Justification. Per section 8-6.3 (B), all variance requests must be accompanied by written documentation justifying the variance and explaining why it should be granted. Additional sheets can be found on the web site at <http://currentplanning.forsythco.com>. The justification must specifically address, for each variance requested, the below criteria:

- a) Describe why the variance would not negate the purpose and intent of the Unified Development Code provision?

**The proposed variance will not eliminate the UDC's intent of providing adequate buffering between land uses. Adequate buffers will be provided to protect the privacy and safety of affected property owners. In this regard, the proposed 10 foot buffer will have the same 2 rows of plantings required in a 25 foot buffer.**

- b) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare of the public, or injurious to other property?

**The proposed buffer encroachments would not create a safety hazard or noxious condition.**

- c) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property?

**The proposed variance is solely to allow the location of a road to be located within a portion of the exterior buffer. The proposed road location is necessary to minimize stream crossings on the property.**

- d) Describe how this property's physical surroundings (e.g. shape, size, or topographical conditions) result in an extraordinary hardship or practical difficulty (as distinguished from a mere inconvenience)?

**The subject property's shape, size, and topography substantially limit the buildable area of the subject property. The shape, size, and topography of the property necessitate the requested variance and placement of structures in the locations proposed by the Applicant in order to permit feasible development of the subject property.**

- e) Describe why the requested variance is the minimum necessary to accomplish the proposed development or building?

**The requested variance is the minimum necessary to accommodate the proposed structures and allow the property to be developed in an economically feasible and physically practical manner.**

- f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resources? (Only required if requesting a variance to a buffer or setback)

**No portion of the structures that encroach into the buffer area will cause or create a detriment to the safety, health, or welfare of the public, or be injurious to other property.**