

**A RESOLUTION**  
**BY**  
**THE BOARD OF COMMISSIONERS OF FORSYTH COUNTY, GEORGIA**

**WHEREAS**, a request has been received that this Board further amend the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, together with the zoning maps likewise duly adopted and amended; and,

**WHEREAS**, **Zoning Application Number ZA3955** presented to the Department of Planning & Community Development which caused to be published in The Forsyth County News, a newspaper of general circulation in Forsyth County in which Sheriff's advertisements are published, a notice of hearing; and,

**WHEREAS**, the aforesaid notice of public hearing (a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference) was published more than 15 days prior to the public hearing; and,

**WHEREAS**, the Planning Commission held a public hearing at the time and place set forth in the notice thereof pursuant to the authority delegated by the Board; and,

**WHEREAS**, the report and recommendation of the Planning Commission (attached hereto as Exhibit "B" and incorporated herein by reference) has been received regarding the subject property described on Exhibit "C" attached hereto and incorporated herein by reference; and,

**WHEREAS**, this Board has considered the proposed amendment in light of the Master Plan as adopted and interpreted by the Planning Commission; and, has examined the views expressed at the public hearing, the subject parcel and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular parcel as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Forsyth County, Georgia;

**NOW THEREFORE BE IT RESOLVED**, that the parcel described on Exhibit "C" should be, and hereby is, declared to be zoned as **Agricultural District (A1)** and,

**BE IT FURTHER RESOLVED** that the Unified Development Code of Forsyth County, Georgia, adopted May 22, 2000, as amended, and the zoning maps likewise duly adopted and amended, are hereby further amended to effect the above zoning on the subject parcel; and,

**BE IT FURTHER RESOLVED** that the rezoning of the parcel described on Exhibit "C" is subject to the following variance and conditions:

Variance:

1. Reduce the front setback along the eastern property boundary adjacent to the existing structure only from 50 ft. to 17 ft. (UDC Table 15.2).

Conditions:

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Owner/Developer shall dedicate right of way 50 feet from the centerline of Jot-Em-Down Road as part of site development or Certificate of Occupancy or when required for road improvement project as determined by Department of Engineering.

**SO RESOLVED**, this 20th day of February, 2020.



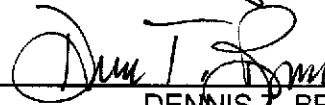
LAURA SEMANSON, CHAIRMAN



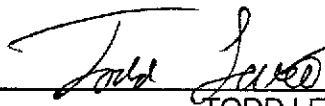
CINDY J. MILLS, VICE CHAIRMAN



MOLLY COOPER, SECRETARY



DENNIS T. BROWN, MEMBER



TODD LEVENT, MEMBER

## NOTICE OF PUBLIC HEARINGS

The Forsyth County Planning Commission is the designated body to hold public hearings for amendments to the unified development code (UDC), amendments to the official zoning map, applications for conditional use permits, home occupation permits, and applications for variances on property considered simultaneously for rezoning. The Planning Commission will hold a public hearing for the applications below on **Tuesday, January 28, 2020 at 6:30 p.m.**

The Planning Commission's recommendation shall be in the form of a motion for approval, approval with conditions or denial. The Board of County Commissioners shall review the Planning Commission recommendation, the staff report and any application materials to approve or deny the request. The Board of Commissioners will take up the matter for a possible final decision at its regular meeting on Thursday, February 20, 2020 at 5:00 p.m.

If you wish to speak at the public hearing before the Planning Commission you will be required to provide your name and address to staff prior to speaking. The public hearing is held in the Forsyth County Administration Building, 110 East Main Street, Commissioners Meeting Room 220, Second Floor, Cumming, Georgia.

Applications are available for public review on the Internet at <http://estatus.forsythco.com> or by visiting the Department of Planning and Community Development, 110 East Main Street, First Floor, Forsyth County Administration Building, Cumming, Georgia, Monday through Friday, 8:30 a.m. to 5:00 p.m. If you have any questions please visit the county's Web site at [www.forsythco.com](http://www.forsythco.com) or contact staff at 770-781-2115.

The physical locations provided with respect to specific applications listed below are provided for general locational purposes only and are believed to be accurate, but are not guaranteed. A more detailed depiction of the specific property subject to the land use action may be obtained by referencing the GIS property viewer on the Forsyth County website at [www.forsythco.com](http://www.forsythco.com). Further information is also available by cross-referencing the specific land use case number in the legal ad with the County's eStatus on-line database.

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### ZA3955

**Spencer and Hannah Duncan** submitted a request to the proper authorities asking that the Unified Development Code of Forsyth County, Georgia and the accompanying zoning maps be amended to rezone from Open Space Residential District (OSR) to Agricultural District (A1) with a variance to 1. Reduce the front setback along the eastern property boundary adjacent to the existing structure only from 50 ft. to 17 ft. (UDC Table 15.2).

The property is located at 8280 Jot Em Down Road, Gainesville, GA 30506. The Planning Commission's Public Hearing will be held on **Tuesday, January 28, 2020 at 6:30 p.m.** in the Forsyth County Administration Building, Commissioners Meeting Room (#220), Second Floor, Cumming, Georgia.

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Legal Ad Run Date: Wednesday, January 8, 2020

ZA3955  
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## Forsyth County Department of Planning & Community Development

**DATE:** February 5, 2020

**TO:** Forsyth County Board of Commissioners

**FROM:** Forsyth County Planning Commission

**RE:** Rezoning Application Number: **ZA3955**  
 Application Name: **Spencer and Hannah Duncan**  
 Commission District: **4**  
 Acres: **2.316 acres**  
 Rezone from **Open Space Residential District (OSR) to Agricultural District (A1)**.

Tax Map: **292** Parcel Number(s): **010**

As a result of the meeting held on January 28, 2020, the Forsyth County Planning Commission voted with five members in favor (Hammond, Dincen, Guy, Hill and Thorsen) to recommend APPROVAL of **ZA3955 – Spencer and Hannah Duncan** to rezone from Open Space Residential District (OSR) to Agricultural District (A1) with the following variance and conditions:

**VARIANCE:**

1. Reduce the front setback along the eastern property boundary adjacent to the existing structure only from 50 ft. to 17 ft. (UDC Table 15.2).

**CONDITIONS:**

1. Development shall be substantially in accordance with the site plan on file in the Department.
2. Owner/ Developer shall dedicate right of way 50 feet from the centerline of Jot-Em-Down Road as part of site development or Certificate of Occupancy or when required for road improvement project as determined by Department of Engineering.

Sincerely,

Secretary, Forsyth County Planning Commission

Survey Description

All of that tract or parcel of land lying and being situate in Land lot 994, 14th District, 1st Section, Forsyth County, Georgia more commonly known as 8280 Jot Em Down Road, Gainesville, Georgia 30506 and being more particularly described as follows:

Beginning at a point on the west side of Jot Em Down Road (80 foot right of way); thence in a southerly direction along the western right of way line of Jot Em Down Road a bearing of S 03°31'08" W a distance of 378.77 feet to an ½ inch reinforced iron rod found; thence departing the western right of way line of Jot Em Down Road in a westerly direction a bearing of S 88°53'33" W a distance of 246.10 feet to a ½ inch reinforced iron rod found; thence N 04° 04'05" E a distance of 50.13 feet; thence N 03°37'24" E a distance of 205.25 feet to a ½ inch reinforced iron rod found; thence N 03°30'56" E a distance of 185.54 feet to a ½ inch reinforced iron rod found on the southern right of way line of Forest Path Drive (50 foot right of way); thence easterly along the southern right of way line Forest Path Drive a bearing of S 80°52'58" E a distance of 229.05 feet to a point at the beginning of a curve between Forest Path Drive (50 foot right of way) and Jot Em Down Road (80 foot right of way); thence along the arc of a curve with a length of 28.15 feet and a radius of 20 feet ( said curve being subtended by a chord distance of 25.89 feet and a chord bearing of S 36°03'46" E) back to the point of beginning.

Said tract of land containing 2.35 acres as contained in Deed Book 575 Page 110 of the Clerk of Courts of Forsyth County Georgia.