



VARIANCE APPLICATION
 Board Consideration

This transmittal is required to request a public hearing before the Zoning Board of Appeals for consideration of a variance as outlined in chapter 8, 18, and to the buffer and setback requirements established in chapter 21 of the Unified Development Code. Numerical or dimensional variances may be granted based on a showing that unique circumstances exist on a property. This application is also required to request a public hearing for a variance before the Board of Commissioners. The variance, if granted, shall have application only to the specific regulation for which the variance was sought and shall not impact or modify any other encumbrance, restriction, easement or interest on the subject property.

A. APPLICANT INFORMATION:

Name : Mary Jo Morgan Business Tel. : _____

Mail address : 1310 North Lake Drive Canton GA 30115

E-mail address: berrybarn@yahoo.com

Agent's address: _____

Agent's Business Tel. _____

Please check that you have provided the best contact information.

B. PROPERTY DATA / APPLICANT'S NARRATIVE :

Address of property: 265 Park View Lane Dawsonville, GA 30534 312-180 / 312-012

Subdivision Name: Arthur R Evans and Estan L. Fuller Lot #(s) 14

Affected Applications, if applicable: (e.g. ZA####, SP####, etc.,) _____

1) Describe the reason for the variance(s) request:

I purchased property on Lake Lanier in 1979 and built a home on it. In addition I purchased adjoining property in 1982 and 1987 and bundled them all together. In 2004 I decided to sell the home and split the property in two equal parts so that I would have the lot that I retained to build on. I left the septic field in place for the proposed building in the future and I contracted for a new septic field for the buyers home. Now comes the time that, at 80 years old, I want to build and retire on this property. In applying for a building permit I find that the survey cannot be recorded. It seems that the portion that connects the lake lot with the back lot (N88°55'15"W) has to be 60 feet wide. This is not possible to attain. I have worked with Ms. Green to try to meet the criteria but there is no way possible. I have talked with John Stanzilis at Solar Land Surveying Company, who recorded the deed and drew the survey, and he said at the time the survey was drawn, all rules and regulations were adhered to. I feel that this is a hardship request and needs an administrative variance so that I can get the survey recorded. I have paid tax on this property since 2004.

FOR STAFF USE ONLY: BOC DISTRICT# _____ VA # 150036 2015 *date stamp*

2) A separate form (page 2) is required for **each** variance request. The number of this variance is:

3) Indicate which section of the UDC is requested to be varied, e.g. Chapter 11, Table 11.2 (a).

4) Describe the dimensional variance requested, e.g. "a variance of 4 feet to allow front setback to be 21 feet"

This variance would change said partition, for adherence to the present code, and allow me to get the survey recorded.

Please check the type of variance being requested:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Front yard variance | <input type="checkbox"/> Side yard variance | <input type="checkbox"/> # of lots on an easement | <input type="checkbox"/> Buffer variance |
| <input type="checkbox"/> Rear yard variance | <input type="checkbox"/> Exterior yard variance | <input checked="" type="checkbox"/> Lot width variance | <input type="checkbox"/> Building Separation |

C. WRITTEN JUSTIFICATION:

5) Specifically address, for each variance requested, the below criteria:

a) Describe why the variance would not negate the purpose and intent of the Code?

It, according to code, is necessary to have 60 feet wide rather than the 15 feet presently on the survey.

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

This variance would not change any existing metes and bounds to the surrounding area. This survey has been in effect for 11 years.

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?

I have owned all or portions of this property for 35 years and there would be no change to anyone else's property lines. There is already an easement to facilitate egress and ingress to the home at the end of the road and this has been available to them for over 35 years.

d) Describe how this property's physical surroundings (e.g. shape, size, topography) result in an extraordinary hardship or practical difficulty as opposed to a mere inconvenience?

There is absolutely no physical or practical difficulty to this variance. It is just a necessity to get a plat recorded.

e) Describe why the requested variance is the minimum necessary to accomplish your proposal?

The variance is necessary to get the current plat recorded. Fifteen feet is the maximum that is available for this connection.

f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resource? This description is required if requesting a variance to a buffer or setback.

This variance does nothing to alter the plat that has been drawn since 2004 and is in compliance with the recorded deed.

D. PUBLIC HEARING:

Requests for postponement or withdrawal must be made in writing; application fees are not refundable.

A legal notice shall be published in the Forsyth County newspaper regarding the variance request. The applicant is responsible for the advertisement fee of \$15 if the request is postponed.

The staff will prepare the public hearing sign and contact the applicant when the sign is ready to post on site. The applicant shall place the yellow public hearing sign(s) on the subject property at least 21 days, but not more than 45 days prior to the public hearing. It is the applicant's responsibility to maintain the sign(s).

A signed affidavit with a dated photo of each sign(s) placing said sign(s) against a verifiable property landmark shall be submitted to the department, prior to the public hearing. Failure to post the sign(s) and or failure to submit the affidavit will result in the postponement of the hearing. Attendance at the 7:00 p.m. public hearing is encouraged.

The variance, if granted, shall have application only to the specific regulation for which the variance was sought and shall not impact or modify any other encumbrance, restriction, easement or interest on the subject property.

E. PROPERTY OWNER AUTHORIZATION:

This application must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits must be provided. **Only an owner or an authorized agent may speak on behalf of this application at the public hearing.**

Owner's Name | John E. Morgan

Mailing Address: | 1310 North Lake Drive
Canton, GA 30115

Agent's Name : |

Signature of Owner : [Handwritten Signature] Date: 7/10/2015

Signature of Notary: [Handwritten Signature] Date: 7/10/15



F. APPLICATION REQUIREMENTS :

- 1. **Application.** A completed application form is required. Please do not provide unlisted telephone numbers.
- 2. **Fees.** Checks shall be made out to "Forsyth County Board of Commissioners" and shall be processed on the day that an applications is determined complete. Applicant is responsible for re-advertisement fee if postponed.
- 3. **Site Plan.** The site plan shall clearly delineate and label the requested variance(s). In the case of an amendment to a buffer or setback required by the Unified Development Code, including those specified in chapter 21, the variance application must delineate how equal or greater protection will be achieved of the adjacent property or natural resource affected by the proposed development, should the variance be granted. The site plan at a minimum must include: layout of streets, lot dimensions, setbacks, streams, flood prone areas, wetlands, proposed structures with square footages, proposed uses for each structure, right-of-way, driveways, accessory equipment (pool pumps,etc.), and the structure address.
- 4. **Written Evaluation.** All variance applications shall include a written justification explaining why the variance should be granted. Completing this application form in its entirety will meet this requirement.
- 5. **Legal Description.** Metes and bounds property description.
- 6. **Boundary survey.** 10 copies.
- 7. **Taxes.** Confirmation of paid county taxes.

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Owner's Name: Mary Jo Morgan

Mailing Address: 1310 North Lake Drive
Canton, GA 30115

Agent's Name:

Signature of Owner: Mary Jo Morgan Date: 7/10/2015

Signature of Notary: Clark Farrell Date: 7/10/15



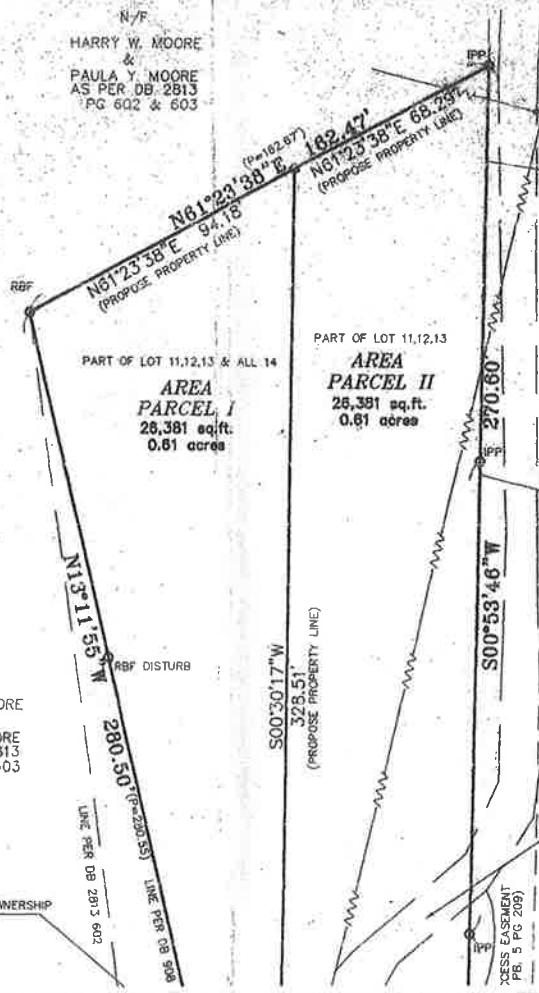
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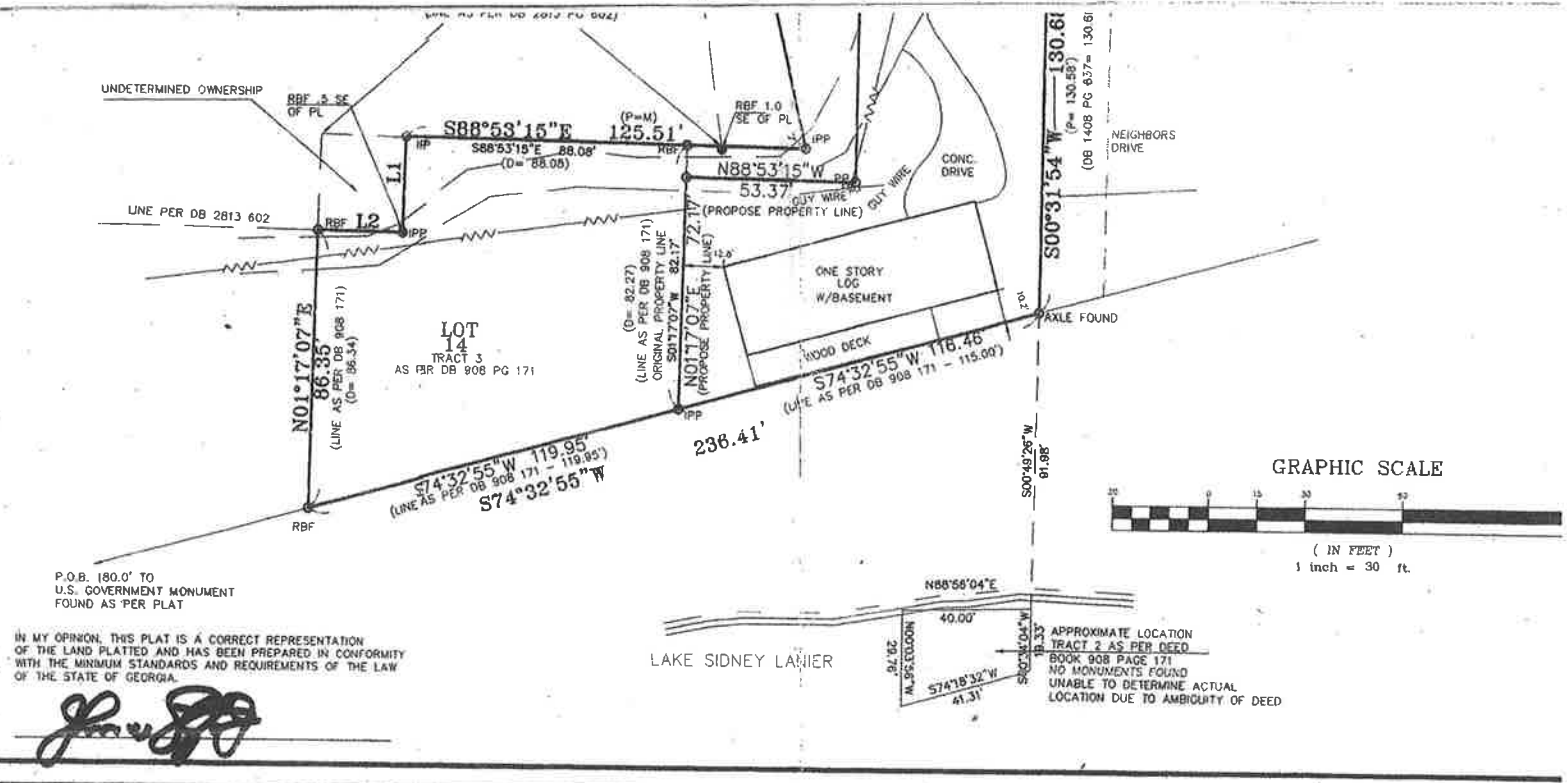
- IFS IRON PIN SET
- IFF IRON PIN FOUND
- OT OPEN TOP PIN
- CT CRIMP TOP PIN
- RB REINFORCING BAR
- CL CENTERLINE
- R/W RIGHT-OF-WAY
- LL LAND LOT
- L LINE
- R RADIUS
- CONC CONCRETE
- C CURVE
- PP POWER POLE
- SP SERVICE POLE
- GV GAS VALVE
- GM GAS METER
- LP LAMP POLE
- SS SANITARY SEWER
- N&C NAIL & CAP
- FC FENCE CORNER
- X-X- FENCE
- M MEASURED
- P PLAT
- CMF CONCRETE MONUMENT FOUND
- OHUL OVERHEAD UTILITY LINE(S)
- SMH SEWER MAN HOLE
- MHT MAN HOLE TELEPHONE
- CB CATCH BASIN
- JB JUNCTION BOX
- DI DRAIN INLET
- LLL LAND LOT LINE
- HW HEAD WALL
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- CD CROSS DRAIN
- SSSE SANITARY SEWER EASEMENT
- DE DRAINAGE EASEMENT
- FM FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- PC POINT OF CURVE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PI POINT OF INTERSECTION
- D DEED
- IPP IRON PIN PLACED (1/2" REBAR)

GENERAL NOTES

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. NO VISIBLE EVIDENCE OF A CEMETERY FOUND.
5. BEARINGS BASED ON MAGNETIC NORTH OBSERVATIONS AS NOTED N DEED BOOK 9 - PAGE 209.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST.



LINE TABLE		
LINE	LENGTH	BEARING
L1	29.94	N01°28'40"E
L2	26.53	S88°59'04"E



	ABOVE THE GROUND PLAT PREPARED FOR :		DATE	05/12/04	
	OWNER, PURCHASER	ROBERT E. GARRISON JOHN OGILVIE		SCALE	1" = 30
LAND LOT 1272	14 DISTRICT	SECTION	FORSYTH COUNTY, GEORGIA		
LOT 11, 12, 13 & 14	BLOCK	UNIT	REVISION	BY:	DATE:
SUBDIVISION	ARTHUR R. EVANS & ESTAN L. FULLER		PROPERTY LINE	MAM	05/3/04
SURVEYED:	DRAFTED				
PLOTTED:	DISC. #				
DEED BOOK	PAGE				
APPROVED:					

SOLAR LAND SURVEYING COMPA
P.O. BOX 723993 ATLANTA, GEORGIA 30339-09
TELEPHONE (770) 794-9055 FAX (770) 794-905

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED



FORSYTH COUNTY DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

110 E. Main Street, Suite 100
Cumming, GA 30040
<http://www.forsythco.com>
(770) 781-2115

TRANSACTION RECEIPT

DATE	NAME & ADDRESS	REFERENCE NUMBER	RECEIVED BY	RECEIPT NUMBER	AMOUNT
08/07/2015	John Morgan	CC: cc VA150036	ksmorton	BP-00178291	\$ 250.00

TOTAL RECEIVED: \$ 250.00