



BOARD CONSIDERATION - VARIANCE APPLICATION

RECEIVED BY	FOR OFFICE USE ONLY	DATE STAMP
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PIN # 098-046 BOC DISTRICT# 1 ZONING: A1 ZA# N/A VA # 200014

This transmittal is required to request a public hearing before the Zoning Board of Appeals for consideration of a variance as outlined in the Unified Development Code. This application is also required to request a public hearing for a variance before the Board of Commissioners for four(4) or more lots within a single subdivision.

This application will apply to # 1 of lots.

Numerical or dimensional variances may be granted to permit construction in a manner that would be prohibited, based on a showing that unique circumstances exist on a property. 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 : B.C. Engineering, Inc. Business Tel. : 770-205-6181

Address : 116 North Main Street Cumming GA 30040

E-mail address: beengin@bellsouth.net office@bcengineering-ga.com

Agent's Name: Brian Cole Business Tel. : 770-205-6181

Agent's Address: 116 North Main Street, Cumming, GA 30040

B. PROPERTY DATA / APPLICANT'S NARRATIVE :

Address of property: Dr. Bramblett Road (map and parcel 098-046)

Subdivision Name: N/A Lot #(s) N/A

Affected Applications, if applicable; (e.g. ZA####, SP####,etc..) N/A

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

In order to allow the subject property to have a lot width of 29 feet rather than 60 feet the variance is necessary.

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

#1

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

18-4.5

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

Lot width variance of 31 feet to allow lot width of 29 feet rather than 60 feet.

Please check the type of variance being requested:

- Front yard variance Side yard variance # of lots on an easement Buffer variance
 Rear yard variance Exterior yard variance Lot width variance 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?

The requested variance will not negate the purpose and intent of the Code because the subject property was divided years ago and has had it's own map and parcel number since it was originally conveyed. The Code should take into account legal non-conforming lots that currently have their own map and parcel number and that were created by deed transfer.

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

The variance will not cause substantial detriment to the public safety, health, or welfare, or be injurious to other property because the variance is not changing the existing map and parcel.

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 Code should take into account legal non-conforming lots that currently have their own map and parcel number and that were created by deed transfer. The Code does not have a reference for such situations. Therefore, that is why conditions of this property are unique.

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?

The map and parcel number that was created at the time of the original deed transfer was created with only 30 feet of frontage.

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

In order for the adjacent property owner to develop there property, the subject property has to be removed from the existing plat of record.

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.

N/A

E. 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.

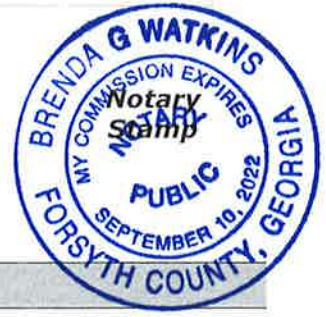
F. PROPERTY OWNER AUTHORIZATION:

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	Kimberly McBrayer, Executor U/W of Roger Calvin Cox
Mailing Address:	112 North Main Street Cumming, GA 30040

Signature of Owner: *Kimberly McBrayer* Date: 2/27/2020

Signature of Notary: *Brenda G. Watkins* Date: 2/27/2020



G. 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. Residential applications are \$250 per Unified Development Code section; Commercial applications are \$350 per UDC section.
- 3. Site Plan:** Provide seven (7) copies to scale and one (1) copy reduced to 8.5"x11". 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:** Provide a written long form legal description including metes and bounds.
- 6. Boundary survey:** One (1) copy of a boundary survey to scale, and One (1) copy reduced to 8.5"x11".
- 7. Taxes:** Confirmation of paid county taxes.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOT845 3RD DISTRICT, 1ST SECTION, OF FORSYTH COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO 845, 846, 883 & 884, THENCE NORTH 03 DEGREES 44 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 325.14 FEET TO AN IPF#4RB IN A TREE STUMP; THENCE NORTH 89 DEGREES 23 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 261.49 FEET TO AN IPF#4RB, THIS BEING THE TRUE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 34 MINUTES 47 SECONDS WEST
FOR A DISTANCE OF 210.31 FEET TO AN IPF#4RB AT A POPLAR;
THENCE NORTH 89 DEGREES 38 MINUTES 02 SECONDS EAST
FOR A DISTANCE OF 660.12 FEET TO AN IPS#4RB;
THENCE SOUTH 00 DEGREES 23 MINUTES 55 SECONDS EAST
FOR A DISTANCE OF 50.00 FEET TO A IPS;
THENCE NORTH 89 DEGREES 36 MINUTES 05 SECONDS EAST
FOR A DISTANCE OF 400.72 FEET TO AN IPS#4RB ON THE WESTERLY RIGHT OF
WAY OF DR. BRAMBLETT ROAD, SAID ROAD HAVING A 60' R/W;
THENCE ALONG SAID R/W, SOUTH 00 DEGREES 08 MINUTES 24 SECONDS EAST
FOR A DISTANCE OF 29.99 FEET TO AN IPF#4RB;
THENCE LEAVING SAID R/W, SOUTH 89 DEGREES 36 MINUTES 33 SECONDS WEST
FOR A DISTANCE OF 255.67 FEET TO AN IPF#4RB;
THENCE SOUTH 00 DEGREES 24 MINUTES 06 SECONDS EAST
FOR A DISTANCE OF 130.13 FEET TO AN IPF#4RB;
THENCE SOUTH 89 DEGREES 36 MINUTES 45 SECONDS WEST FOR A DISTANCE OF
804.38 FEET TO AN IPF#4RB, THIS BEING THE TRUE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 169539.781 SQUARE FEET ~ 3.892 ACRES.



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
03/19/2020	GRACIELA OSSES	Check: 182 VA200014	lamoore	BP-00264745	\$ 250.00

TOTAL RECEIVED: \$ 250.00