RESOLUTION NO. 2024-R-042
APPLICANT: H. MICHAEL BRAY FOR CHARLINE CAMBRON
Case # 06-09-058

A resolution concerning the following described property:

36.6 +/- acres located in Land Lots 1036 and 1053 of the 21st District, 2nd Section of Cherokee County, Georgia, a political subdivision of the State of Georgia, and indicated as Parcels 029 and 029A on Tax Map 21N11.

WHEREAS, it is hereby found and determined that a petition to change the zone property from R-40 (Single-Family Residential) to R-20 (Single-Family Residential) was filed on July 21st, 2006; and

WHEREAS, it likewise is found that the Cherokee County Municipal Planning Commission, after notice as required by law, did conduct a public hearing upon such change of zone on November 21st, 2006 in the Jury Assembly Room of the Cherokee County Justice Center; and

WHEREAS, it likewise is found that the Cherokee County Board of Commissioners did change the zone to R-20 (Single-Family Residential) on December 5th, 2006 with conditions through adoption of resolution case number 06-09-058, a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, conditions of case number 06-09-058 state,

1. The development will be a traditional single-family subdivision. Each home will have a minimum of 2,OOO square feet of climate-controlled living area.
2. Each home will have a minimum of a two-car garage and the front façade shall include decorative architectural features such as shutters and decorative trim.
3. The siding material shall be limited to brick, stone, stucco and cementitious board siding.
4. My client has agreed to the requests of the Cherokee County School Board regarding a voluntary contribution to offset the initial impact of the proposed development.
5. The subdivision will be served by sanitary sewer.
6. The Applicant will work with the Cherokee County Engineering Department regarding its access point and improvements to Little Ridge Road at its entrance.
7. The homes are anticipated to sell from the mid $200,000 range.

WHEREAS, it is hereby found and determined that H. Michael Bray for Charline Cambron, filed a petition on January 9th, 2024 requesting the Cherokee County Board of Commissioners to remove all seven (7) zoning conditions of case number 06-09-058 to allow for the development of a minor subdivision as shown on the Minor Subdivision Plat, a copy of which is attached hereto as **Exhibit B**; and

WHEREAS, O.C.G.A. § 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit C** was published more than 15 days prior to the public hearing regarding the subject property as described in the legal description, a copy of which is attached hereto as **Exhibit D** and incorporated herein by reference; and

WHEREAS, it likewise is found that the Cherokee County Board of Commissioners, after notice as required by law, held a public hearing on March 5th, 2024 upon this request for a modification of zoning conditions in the Cherokee County Administration Building in Canton, Georgia; and

WHEREAS, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted; and, has examined the views expressed at the public

hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the petition for a modification of zoning conditions to remove all seven (7) zoning conditions of case number 06-09-058 to allow for the development of a minor subdivision is **approved with the following conditions:**

SO RESOLVED, this 5th day of March, 2024.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

Harry B. Johnston, Chairman

ATTEST:

Christy Black, County Clerk

Conditions:

1. Remove Condition #7 completely.
2. Conditions 1-6 will remain in effect if the site is developed as an R-20 major subdivision.
3. Conditions 1-6 are removed completely if the site is developed as a minor subdivision.
4. If developed as a minor subdivision, setbacks and buffers will comply with AG zoning standards.

EXHIBIT A

RESOLUTION NO. 2006- R- 110
CASE # 06-09-058
APPLICANT: Estate of Charles Cambron.

A resolution approving the rezoning of the following described property:

36.66 acres located in land lot 1036 of the 21st district, 2nd section of Cherokee County, Georgia, and indicated as parcel 029 on tax map 21N11.

WHEREAS, it hereby is found and determined that a petition to change the zone of the above described property from R-40 to R-20 was filed on July 21st, 2006.

Proposed Use: Residential Subdivision

WHEREAS, it likewise is found that the Cherokee County Municipal Planning Commission, after notice as required by law, did conduct a public hearing upon such change of zone on November 21st, 2006 in the Jury Assembly Room of the Cherokee County Justice Center. Recommendation from the Planning Commission was for approval of the rezoning request.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the above-described property is now located in the **R-20** zoning district* and the Cherokee County Zoning Administrator hereby is directed to change the district maps accompanying and being part of the rezoning resolution.

Adopted this 5th day of December,2006 .

J. Michael Byrd, Chairman

Sheila R. Corbin, County Clerk

***Stipulations as shown in the letter attached to this resolution as Exhibit "A".**

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS P. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM

December 4, 2006

Vicki Taylor Lee, AICP
Cherokee County Zoning Administrator
Planning and Zoning Department
130 East Main Street, Suite 108
Canton, GA 30114

Re: Application of the Estate of Charles Cambron to Rezone a 36.66 Acre Tract from R-40 to R-20, Land Lot 1036 of the 21st District, Tax Map 21N11, Cherokee County, Georgia

Dear Vicki:

I represent the Estate of Charles Cambron relating to their zoning proposal on Little Ridge Road. On November 21, 2006, the Cherokee County Planning Commission unanimously recommended approval of the R-20 zoning proposal. I believe their decision was based partly on the fact that the surrounding subdivisions are already zoned R-20. The matter is on the Board of Commissioner agenda for December 5, 2006.

In order to address some of the concerns of the neighbors, my client is agreeable to certain stipulations becoming a condition on the grant of the rezoning. Please accept the following as a list of these conditions.

1. The development will be a traditional single-family subdivision. Each home will have a minimum of 2,000 square feet of climate controlled living area.

2. Each home will have a minimum of a two-car garage and the front façade shall include decorative architectural features such as shutters and decorative trim.

3. The siding material shall be limited to brick, stone, stucco and cementitious board siding.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

4. My client has agreed to the requests of the Cherokee County School Board regarding a voluntary contribution to offset the initial impact of the proposed development.

5. The subdivision will be served by sanitary sewer.

6. The Applicant will work with the Cherokee County Engineering Department regarding its access point and improvements to Little Ridge Road at its entrance.

7. The homes are anticipated to sell from the mid $200,000 range.

Please contact me if you need any additional information regarding this rezoning proposal.

Sincerely,

SAMS, LARKIN & HUFF, LLP

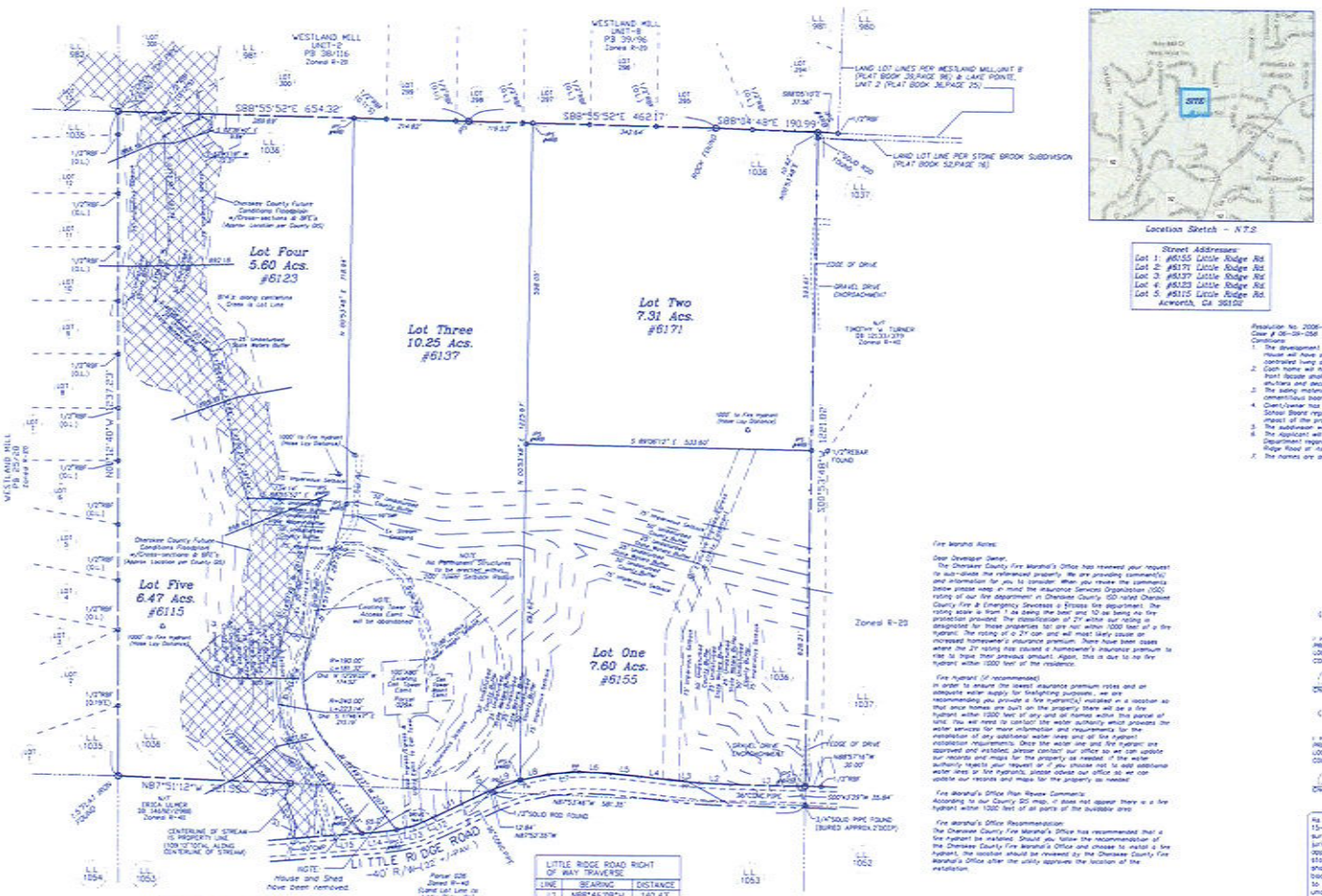
Parks F. Huff
phuff@samslarkinhuff.com

PFH/brl

cc: Cherokee County Board of Commissioners

EXHIBIT B

Recording Info



Location Sketch - N.T.S.

MAGNETIC NORTH
100 0 100 200
SCALE IN FEET

Total Area = 37.23 Acs
Parcel ID 21-1036-0001
TDN: 21N12 029
TDN: 21N12 029A
TDN: 21N12 026
No Lots: 5
Current Zoning: R-20
(Parcels 029 & 029A)
Min. Lot Area = 20,000 SF
Min. Lot Width = 90'
(@ building setback line)
Min. Building Setbacks:
Front: 30'
Rear: 30'
Side: 10'
Max. Lot Coverage: 30%
Current Zoning: R-40
(Parcel 026)
Min. Lot Area = 40,000 SF
Min. Lot Width = 100'
(@ building setback line)
Min. Building Setbacks:
Front: 35'
Rear: 30'
Side: 15'
Max. Lot Coverage: 30%

Street Addresses:
Lot 1: #6155 Little Ridge Rd.
Lot 2: #6171 Little Ridge Rd.
Lot 3: #6137 Little Ridge Rd.
Lot 4: #6123 Little Ridge Rd.
Lot 5: #5115 Little Ridge Rd.
Acworth, Ga 30102

Resolution No. 2006-R-110
Case # 06-09-056
Conditions:
1. The development will be a traditional single-family subdivision. Each house will have a minimum of 2,000 square feet of climate controlled living area.
2. Each home will have a minimum of a two-car garage and the front facade shall include decorative architectural features such as shutters and decorative trim.
3. The siding material shall be limited to brick, stone, stucco and cementitious board siding.
4. Client/owner has agreed to the requests of the Cherokee County School Board regarding a voluntary contribution to offset the initial impact of the proposed development.
5. The subdivision will be served by sanitary sewer.
6. The applicant will work with the Cherokee County Engineering Department regarding its access point and improvements to Little Ridge Road at its entrance.
7. The homes are anticipated to sell from the mid $200,000 range.

Stormwater Notes:

Prior to any building, erosion, or development permits being issued on these properties, a lot grading and erosion control plan, prepared by a Georgia Soil and Water Conservation Commission (GSWCC) Level II certified Design Professional, shall be submitted and approved by Cherokee County Engineering Department. Contact 678-493-6077 for additional information.

Development that will result in land disturbance equal to or greater than one (1) acre requires coverage under the applicable NPDES General Permit. The requirements for coverage include, but are not limited to, a Georgia Licensed design professional preparing 3 phase erosion control plans for all intended disturbance associated with your project, and obtaining approval from Cherokee County as the local issuing authority.

A United States Army Corps of Engineers Preconstruction Notification and erosion permit is required for any future piped stream crossing in state waters.

A Georgia Registered Design Professional shall design and permit all future storm drainage on these properties.

Floodplain Notes:

Any habitable structure shall be a minimum of 3.0 feet above the 100 year FEMA BFE, or 1.0 feet above the Cherokee County Future Conditions BFE, whichever is higher.

Accessory structures within the floodplain must meet all criteria set forth in the current Cherokee County Floodplain Ordinance.

A Finished Construction FEMA elevation certificate will be required for any structure located within fifty horizontal feet of floodplain.

SURVEY NOTES:

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19,000 FEET, AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 123,187 FEET.

3. A TOPCON GTS-210 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

4. FEMA/FIRM: FOR CHEROKEE COUNTY, GEORGIA, COMMUNITY NO. 130424MAP NUMBER 13057C0329E DATED 9-11-2019, SHOWS THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE X NOTE: THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA PER CHEROKEE COUNTY FUTURE CONDITIONS MAPPING.

5. THE HORIZONTAL AND VERTICAL DATUM FOR THIS SURVEY IS BASED ON GPS OBSERVATION WITH A LEICA GS14 GPS RECEIVER ON THE "SMART NET" HARN NETWORK WITH REDUCTION TO GEORGIA STATE PLANE COORDINATES (WESTERN ZONE). DISTANCES SHOWN ARE GROUND DISTANCES.

6. ALL MATTERS OF TITLE ARE EXCEPTED.

7. UNDERGROUND UTILITIES WERE NOT LOCATED.

8. 1/2" REBAR WITH CAP TO BE SET AT ALL LOT CORNERS, UNLESS OTHERWISE SHOWN.

Fire Marshal Notes:

Dear Developer/Owner,
The Cherokee County Fire Marshal's Office has reviewed your request to sub-divide the referenced property. We are providing comment(s) and information for you to consider. When you review the comments below please keep in mind the Insurance Services Organization (ISO) rating of our fire department in Cherokee County. ISO rated Cherokee County Fire & Emergency Services a 3/class 9x fire department. The rating scale is from 1 as being the best and 10 as being no fire protection provided. The classification of 3Y within our rating is designated for those properties (all are not within 1000 feet of a fire hydrant. The rating of a 3Y can and will most likely cause an increased homeowner's insurance premium. There have been cases where the 3Y rating has caused a homeowner's insurance premium to rise to triple their previous amount. Again, this is due to no fire hydrant within 1000 feet of the residence.

Fire Hydrant (if recommended)
In order to ensure the lowest insurance premium rates and an adequate water supply for firefighting purposes, we are recommending you provide a fire hydrant(s) installed in a location so that once homes are built on the property there will be a fire hydrant within 1000 feet of any and all homes within this parcel of land. You will need to contact the water authority which provides the water services for more information and requirements for the installation of any additional water lines and all fire hydrant installation requirements. Once the water line and fire hydrants are approved and installed, please contact our office so we can update our records and maps for the property as needed. If the water authority rejects your request or if you choose not to add additional water lines or fire hydrants, please advise our office so we can update our records and maps for the property as needed.

Fire Marshal's Office Plan Review Comments:
According to our County GIS map, it does not appear there is a fire hydrant within 1000 feet of all parts of the buildable area.

Fire Marshal's Office Recommendation:
The Cherokee County Fire Marshal's Office has recommended that a fire hydrant be installed. Should you follow the recommendation of the Cherokee County Fire Marshal's Office and choose to install a fire hydrant, the location should be reviewed by the Cherokee County Fire Marshal's Office after the utility approves the location of the installation.

OWNER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA

CHARLINE CAMBRON — 12-13-23
DATE

OWNER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA

CHARLINE CAMBRON — 12-13-23
DATE

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by the approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or persons under my supervision; that all monuments shown hereon actually exist or are marked as "future," and that their location, size, type and material are correctly shown; and that all engineering requirements of the Zoning Ordinance of Cherokee County, Georgia, have been fully complied with.

GEORGIA REGISTERED LAND SURVEYOR DONALD L. PERRYMAN — 2021

Donald L. Perryman, GA RLS #2135 — 12-13-23
Date

CENTERLINE OF STREAM TRAVERSE

LINE	BEARING	DISTANCE
S1	N21°23'09"E	24.26'
S2	N21°38'01"W	58.46'
S3	N62°23'44"E	26.50'

LITTLE RIDGE ROAD RIGHT OF WAY TRAVERSE

LINE	BEARING	DISTANCE
L1	N88°46'08"W	140.43'
L2	N87°53'17"W	56.08'
L3	N84°24'19"W	58.08'
L4	N83°15'59"W	59.66'
L5	N84°15'39"W	56.22'
L6	N88°30'25"W	57.14'
L7	S85°45'31"W	56.47'
L8	S78°20'19"W	35.79'
L9	S69°45'29"W	58.40'
L10	S64°36'52"W	6.32'
L11	S64°29'56"W	108.56'
L12	S66°25'27"W	40.56'
L13	S75°52'48"W	34.78'
L14	S80°34'56"W	35.67'
L15	S85°13'18"W	157.83'

A=128.05' R=29.56'

-Boundary information taken from Survey for Charles L. Cambron, prepared by Robert J. Cagle, dated February 11, 2002
-Deed Book 13231/082
-Deed Book 14364/2555

PLAT REFERENCES:
1. SURVEY FOR W & C BUILDERS BY CHEROKEE SURVEYING CO., DATED NOV. 10, 1994, REVISED NOV. 21, 1994.
2. SURVEY FOR JAMES L. KEMP BY WATERLINE SURVEYING SYSTEMS, INC., DATED NOV. 20, 1995.
3. SURVEY FOR MINNIE J. & GEORGE L. LEMING BY GILBERT E. MALLORY (R.L.S. #2172) MAY 11, 1972
4. PLAT OF WESTLAND MILL SUBDIVISION, DATED DECEMBER 1, 1994, PB 25/226.
5. PLAT OF WESTLAND MILL, UNIT 2 SUBDIVISION, DATED NOV. 18, 1980, PB 38/116.
6. PLAT OF WESTLAND MILL, UNIT 8, DATED AUGUST 1, 1990, PB 39/96.
7. PLAT OF STONE BROOK SUBDIVISION DATED FEB. 8, 1996, PB 52/76.
8. PLAT OF LAKE POINTE, UNIT 2, DATED AUGUST 8, 1988, PB 36/25.
9. PLAT OF SURVEY FOR CHARLES L. CAMBRON, PB 75/167.

DRIVEWAY NOTE
All driveways will be required to obtain a driveway permit from the Cherokee County Engineering Department. Property owner will be responsible for making sure all driveways meet Cherokee County standards.

E:\PROJ\2673 Little Ridge\DWG\2673-2022.dwg (3 color-2021) - JP-2022-BLD.crb

Sheet 1 of 1

SURVEYS PLUS, INC.
1145 SOUTH COBB DR., S.E.
SMYRNA, GEORGIA 30080
PHONE: (770) 444-9784
www.surveysplusinc.com
ALL TYPES OF SURVEYS PLUS ENGINEERING AND CONSTRUCTION MANAGEMENT

Minor Subdivision Plat for
Charline Cambron
Located in Land Lots 1036 & 1053 of the 21st District, 2nd Section, Cherokee County, Georgia

JOB NUMBER	2673
DRAWN BY	JP
CHECKED BY	DLP
DATE	8-07-23
FIELD DATE	2-9-2002
SCALE	1"=100'

REVISIONS	DATE
Per County comments	12-13-23
Revised Lots 4 & 5	11-28-23
Per County comments	09-07-23

The Cherokee Tribune

CHEROKEETRIBUNE.COM
Cherokee's Source for Local News

EXHIBIT C

Publication Name:
The Cherokee Tribune

Publication URL:

Publication City and State:
Canton, GA

Publication County:
Cherokee

Notice Popular Keyword Category:

Notice Keywords:
Public+Hearings

Notice Authentication Number:
202403121114395110673
3233613314

Notice URL:

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Notice Publish Date:
Thursday, February 15, 2024

Notice Content

gpn16 TCT-5454 TCT-5454 GPN-16 NOTICE OF PUBLIC HEARING CHEROKEE COUNTY BOARD OF COMMISSIONERS Notice is hereby given that the Cherokee County Board of Commissioners will hold a public hearing on Tuesday, March 5, 2024, at 6:00 P.M. at the Cherokee County Administration Building located at 1130 Bluffs Parkway, Canton, Georgia 30114. The Board will hear and consider a request from H. Michael Bray to remove seven (7) zoning conditions from Resolution 2006-R-110 and Case Number 06-09-058 to develop the property as a minor subdivision. The property is located in Land Lot 1036 of the 21st District 2nd Section and further described as Cherokee County Tax Map 21N11, Parcels 029 and 029A. An exact legal description of the property is on file at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia 30114 and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Information about this case is also available at www.cherokeega.com/cherokeestatus. Meetings of the Board of Commissioners are open to the public. Note: Georgia Law requires that all parties who have made campaign contributions to any member of the Cherokee County Board of Commissioners in excess of two hundred fifty dollars ($250) within two (2) years immediately preceding the filing of this request, and who desires to appear at the Public Hearing in opposition to the application, shall file a campaign contribution disclosure prior to addressing the Board of Commissioners. As set forth in the Americans with Disabilities Act of 1992, Cherokee County Government does not discriminate on the basis of disability, and will assist citizens with special needs, when given seven (7) working days advance notice. For information, please call 678-493-6103. 2:15-2024

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EXHIBIT D

LEGAL DESCRIPTION

All that tract of land lying and being in Land Lot 1036 of the 21st Land District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at the southwest corner of land lot 1036; Thence running along the west line of land lot 1036, North 0 degrees 12 minute 40 seconds West, 1237.23 feet to a 2" open top pipe found and the northwest corner of land lot 1036; Thence running along the north line of land lot 1036, South 88 degrees 55 minutes 52 seconds East 654.32 feet to a point; Thence continuing along said land lot line, South 88 degrees 55 minutes 52 seconds East 462.17 feet to a point; Thence continuing along said land lot line, South 88 degrees 4 minutes 48 seconds East to as iron pin set at the northeast corner of land lot 1036; Thence running along the east line of said land lot South 0 degrees 53 minutes 48 seconds 1221.82 feet to an iron pin set on the north right-of-way of Little Ridge Road (40'R/W); Thence along the north right-of-way of said road the following calls:

North 88 degrees 46 minutes 8 seconds West 140.43 feet
North 87 degrees 53 minutes 17 seconds West 56.08 feet
North 84 degrees 24 minutes 10 seconds West 58.08 feet
North 83 degrees 15 minutes 50 seconds West 55.66 feet
North 84 degrees 15 minutes 16 seconds West 56.22 feet
North 88 degrees 30 minutes 25 seconds West 57.14 feet
South 85 degrees 45 minutes 31 seconds West 56.47 feet
South 78 degrees 20 minutes 15 seconds West 55.79 feet
South 69 degrees 46 minutes 20 seconds West 58.40 feet
South 64 degrees 56 minutes 52 seconds West 6.52 feet to the intersection of the north right-of-way of Little Ridge Road and the southern line of land lot 1036; Thence leaving the right-of-way of said road running along the south line of land lot 1036 North 87 degrees 52 minutes 35seconds 309.02 feet to an ½" rebar found; Thence continuing along the south line of said land lot North 87 degrees 51 minutes 12 seconds 321.53 feet to a 1.5" flat iron rod being the southwest corner of land lot 1036 and the POINT OF BEGINNING.

Said tract containing 36.66 acres, as shown in a plat of survey for Charles Cambron prepared by Surveys Plus, Inc. dated May 14, 2004.