

DAWSON COUNTY VARIANCE APPLICATION

****This portion to be completed by Zoning Administrator**** 114-024
114-015, 114-025, 107-318.

VR 16-03 Tax Map & Parcel # (TMP): 106-075-008
Current Zoning: C-HB Commission District #: _____
Submittal Date: 1-8-16 Time: 11:31 am/pm Received by: [Signature] (staff initials)
Fees Assessed: \$300.00 Paid: Ck # 21221
Planning Commission Meeting Date: 2-16-16

APPLICANT INFORMATION (or Authorized Representative)

Printed Name: Hendon-BRE Dawson Marketplace, LLC
Address: 3445 Peachtree Road, Suite 465, Atlanta, GA 30326
Phone: Listed 404 262-7400 Email: Business joe.fucile@hartman
Unlisted Personal Simons.com
Status: Owner Authorized Agent Lessee Option to purchase

Notice: If applicant is other than owner, enclosed Property Owner Authorization form must be completed.

I have _____ /have not participated in a Pre-application meeting with Planning Staff.
If not, I agree /disagree _____ to schedule a meeting the week following the submittal deadline.
Meeting Date: TBD Applicant Signature: [Signature]
Attorney

PROPERTY INFORMATION

Street Address of Property: 343 Gordon Moss Road
Land Lot(s): 371, 372, 407, 408, 409 District: 13 Section: 1
431, 432, 433, 434
Subdivision/Lot: _____ Building Permit #: _____ (if applicable)
Directions to the Property: The property is located along GA 400 between Whitmire Road and Dawson Forest Road with frontage also along either side of Gordon Moss Road.

REQUESTED ACTION

A Variance is requested from the requirements of Article # VII Section # 400 of the Land Use Resolution/Sign Ordinance/Subdivision Regulations/Other (circle one).

If other, please describe: _____

Type of Variance requested:

- Front Yard Side Yard Rear Yard variance of _____ feet to allow the structure to:
- be constructed; remain a distance of _____ feet from the: _____
- property line, road right of way, or other (explain below):

_____ instead of the required distance of _____ required by the regulations.

Lot Size Request for a reduction in the minimum lot size from _____ to _____

Sign Variance for: 3 Temporary marketing signs; each 8' by 12'

Home Occupation Variance to operate: _____ business

Other (explain request): _____

If there are other variance requests for this site in past, please list case # and nature of variance: _____

VR-15-16; Setbacks, Exterior Materials, Parking, Signage, Screening

Variances to standards and requirements of the Regulations, with respect to open area, setbacks, yard area, lot coverage, height, and other quantitative requirements may be granted if, on the basis of the application, investigation, and other evidence submitted by the applicant, all four (4) expressly written findings below are made:

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship: _____

Please see Attached

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district: _____

Please see Attached

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity: _____

Please see Attached

4. Describe why granting this variance would support the general objectives within this Resolution:

Please see Attached

Submit clear explanation of all four questions above. You may add sheets if necessary.

(Variances should not be granted if the need arises as a result of action by the applicant or previous owner.)

PROPERTY OWNER AUTHORIZATION

I / we J. Charles Hendon, Jr. hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

343 Gordon Moss Road or Land Lots 371, 372, 407, 408, 409, 431, 432, 433, 434.

District 13; Section 1

as shown in the tax maps and / or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and / or conditions placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the Board of Commissioners.

Printed name of applicant or agent: Robert D. Simons, Esq.

Signature of applicant or agent: [Signature] Date: 1/7/2016

Printed Name of Owner(s): HENDON-BRE DAWSON MARKETPLACE, LLC
Hendon - BRE Dawson Capital, LLC
its sole member

Signature of Owner(s): BY: [Signature] Date: 1/7/16
J. Charles Hendon, Jr., Manager

Sworn and subscribed before me Roxanne S. Payne
this 7th day of January, 2016.

Roxanne S. Payne
Notary Public

My Commission Expires: 03/17/18



(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

VR# 16-03

TMP# _____

List of Adjacent Property Owners

It is the responsibility of the Applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property.

****Please note this information should be obtained using the Tax Map and Parcel Number listing any parcel(s) adjoining or adjacent to parcel where variance or rezone is being requested.**

Name

Address

- | | | |
|---------------------------|-----|--|
| TMP <u>114</u> <u>030</u> | 1. | <u>Highland One, LLC 4695 Highland Drive, Gainesville, GA 30506</u> |
| TMP <u>106</u> <u>006</u> | 2. | <u>John Megel Real Estate, LLC 1392 Hwy 400 South, Dawsonville, GA 30534</u> |
| TMP _____ | 3. | <u>Kroger</u> |
| TMP _____ | 4. | _____ |
| TMP _____ | 5. | _____ |
| TMP _____ | 6. | _____ |
| TMP _____ | 7. | _____ |
| TMP _____ | 8. | _____ |
| TMP _____ | 9. | _____ |
| TMP _____ | 10. | _____ |
| TMP _____ | 11. | _____ |
| TMP _____ | 12. | _____ |
| TMP _____ | 13. | _____ |
| TMP _____ | 14. | _____ |
| TMP _____ | 15. | _____ |

Use additional sheets if necessary.



August 11, 2015

Matt Wilson
Wilson Development Group
2964 Peachtree Road, Ste. 350
Atlanta, GA 30305

Re: Potable Water & Sanitary Sewer Availability
TMP: 106.075.008, 107.318, 114.015, 114.024 & 114.025
13th District, 1st Section, LLs: 371, 372, 407, 408, 409, 432, 433, 434
Proposed Blanchard Real Estate Retail Development

Dear Mr. Wilson,

Regarding the property referenced above, capacity is available for potable water and sanitary sewer service. Water and sewer capacity must be purchased for the property based on the Authority's standards and formulas for the planned property use at the prevailing rate. The property developer and/or owner must fund all costs associated with extending and/or upgrading the existing infrastructure to service the property and future development. All infrastructure extensions and upgrades must be designed and built in accordance with the Authority's most recent specifications.

Please feel free to contact me at your convenience if any further information is needed.

Sincerely,

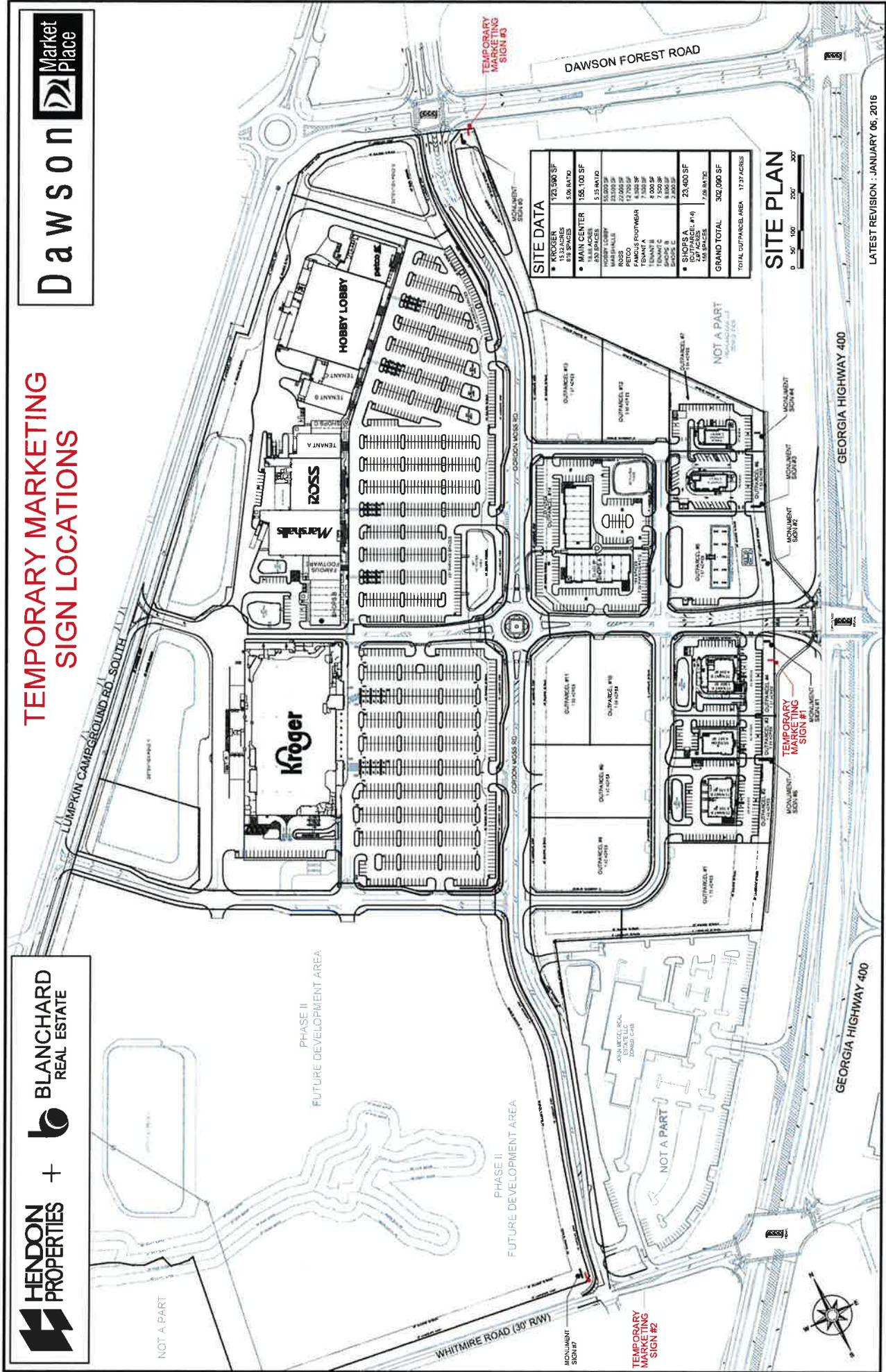
John V. Cronan
Systems Coordinator

EXCELLENCE INTEGRITY STEWARDSHIP COMMITMENT EFFICIENCY VISION

P.O. Box 769 • 1162 Highway 53 East • Dawsonville, GA 30534 • Tel: (706) 216-8474 • Fax (706) 216-6170 • www.etowahwater.org



TEMPORARY MARKETING SIGN LOCATIONS



SITE DATA

• KROGER	123,500 SF
13.32 ACRES	5,956,647 SQ
83 SPACES	
• MAIN CENTER	155,100 SF
15.35 ACRES	5,135,841 SQ
833 SPACES	
HOBBY LOBBY	55,000 SF
HOBBY HALL	22,000 SF
PERCO	12,700 SF
ROSS	12,700 SF
FOOTWEAR	7,300 SF
• TENANT B	4,000 SF
TENANT C	7,500 SF
TENANT D	2,800 SF
• SHOPS A	23,400 SF
1.58 ACRES	7,026,812 SQ
207 SPACES	
GRAND TOTAL	300,000 SF
TOTAL OUTPARCEL AREA	17.37 ACRES

SITE PLAN

0 50' 100' 200' 300'

LATEST REVISION - JANUARY 06, 2016

Printed: 1/7/2016 11:02:36 AM

Phone: (706) 344-3520
Fax: (706) 344-3522

Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
2015 - 1584	106 075 008 / 001 LL 371 372 408 409 432 433 434 FMV: \$3,218,540.00	\$31,778.57	\$0.00 Fees: \$0.00 \$0.00		\$31,778.57	\$31,778.57	\$0.00 Current Due: \$0.00
	Totals:	\$31,778.57	\$0.00		\$31,778.57	\$31,778.57	\$0.00

Paid Date: 10/14/2015

Charge Amt: \$31,778.57

BREC- DAWSONVILLE LLC
C/O BLANCHARD REALESATE CAPITAL
2964 PEACHTREE RD NW
STE 750
ATLANTA, GA 30305



Printed: 1/7/2016 11:03:05 AM

Phone: (706) 344-3520
Fax: (706) 344-3522

Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
2015-1585	107 318 / 001 LL 432 433 LD 13-S FMV: \$1,947,500.00	\$19,228.83	\$0.00 Fees: \$0.00 \$0.00		\$19,228.83	\$19,228.83	\$0.00 Current Due: \$0.00
	Totals:	\$19,228.83	\$0.00		\$19,228.83	\$19,228.83	\$0.00

Paid Date: 10/14/2015

Charge Amt: \$19,228.83

BREC-DAWSONVILLE LLC
C/O BLANCHARD REAL ESTATE CAPITAL
2964 PEACHTREE RD NW
STE 750
ATLANTA, GA 30305



Printed: 1/7/2016 11:04:45 AM

Phone: (706) 344-3520
Fax: (706) 344-3522

Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
2015 - 921	114 015 / 001 LL 407 LD 13-S FMV: \$60,220.00	\$545.24	\$0.00 Fees: \$0.00 \$0.00		\$545.24	\$545.24	\$0.00 Current Due: \$0.00
	Totals:	\$545.24	\$0.00		\$545.24	\$545.24	\$0.00

Paid Date: 10/14/2015

Charge Amt: \$545.24

BEARDEN ANITA COX &
JAMES BEARDEN
127 GORDON MOSS RD

DAWSONVILLE, GA 30534



Printed: 1/7/2016 11:05:18 AM

Phone: (706) 344-3520
Fax: (706) 344-3522

Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
2015 - 3045	114 025 / 001 LL 407 434 LD 13-S FMV: \$144,758.00	\$1,379.92	\$0.00 Fees: \$0.00 \$0.00		\$1,379.92	\$1,379.92	\$0.00 Current Due: \$0.00
	Totals:	\$1,379.92	\$0.00		\$1,379.92	\$1,379.92	\$0.00

Paid Date: 10/14/2015

Charge Amt: \$1,379.92

COX GREGORY M
175 GORDON MOSS RD

DAWSONVILLE, GA 30534



Printed: 1/7/2016 11:05:44 AM

Phone: (706) 344-3520
Fax: (706) 344-3522

Official Tax Receipt
Dawson County
25 Justice Way, Suite 1222
Dawsonville, GA 30534
--Online Receipt--

Trans No	Property ID / District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
2015 - 3048	114 024 / 001 LL 407 LD 13-S FMV: \$210,497.00	\$2,078.37	\$0.00 Fees: \$0.00 \$0.00		\$2,078.37	\$2,078.37	\$0.00 Current Due: \$0.00
	Totals:	\$2,078.37	\$0.00		\$2,078.37	\$2,078.37	\$0.00

Paid Date: 10/14/2015

Charge Amt: \$2,078.37

COX JOE LANE & ETAL
3915 SPOT RD

CUMMING, GA 30040





Variance Application - Detailed findings as required on pages 6 and 7 of Application

1. Describe why a strict and literal enforcement of the standards would result in a practical difficulty or unnecessary hardship:

The literal enforcement of the temporary sign standards for commercial property would create an unnecessary hardship. The ordinance allows one (1) temporary sign per parcel, each up to 4' x 8'. Strict enforcement would require the owner to erect a multitude of small signs that would probably be extremely unattractive, confusing and be all but unreadable given the extreme distance from the adjoining rights of way of some of the parcels. As an example, the northbound lanes on GA 400 are approximately 230 feet from the **closest** proposed temporary sign location.

2. Describe the exceptional and extraordinary conditions applicable to this property which do not apply to other properties in the same district:

The development being undertaken on the subject property is extremely large compared to surrounding properties in the same district. The development spans one hundred (100) acres and will contain over five hundred thousand (500,000) square feet of space. The proposed site plan and leasing information which are routinely displayed on marketing signs would never fit on the several small signs allowed on the property. As a practical, logical and attractive alternative we respectfully propose a few larger signs that should be visible and readable from the rights of way that are between one hundred (100) and two hundred (200) feet away.

3. Describe why granting a variance would not be detrimental to the public health, safety, morals or welfare and not be materially injurious to properties in the near vicinity:

The granting of this variance will in no way be detrimental to the public health, safety, morals or welfare nor will it be materially injurious to properties in the near vicinity. The three (3) temporary signs that are respectfully requested for variance are relatively small when compared to the size of the permanent signs previously approved for this property, the scale of the buildings going up in the project and the scope of the development in general. Additionally, they will be much more practical and visually appealing than what would be allowed under a strict interpretation of the ordinance. Although, the three (3) temporary signs being requested for variance may be larger than what would be allowed they will be only temporary, they will not block the visibility of any other property owner and they will not look out of place in any way given the scale and scope of construction activities on the site.

4. Describe why granting this variance would support the general objectives within this Resolution:

Generally, the objectives of the Dawson County Sign Ordinance are (a) to allow signs to serve their purpose without unduly interfering with motorists or causing unsafe conditions and (b) to protect the aesthetic qualities of unincorporated Dawson County. The proposed temporary marketing signs accomplish this first, by consolidating multiple small signs (which might distract motorists and be illegible) into a few larger signs that will effectively communicate information while being far enough off the road so as to not

interfere with motorists or cause unsafe conditions. Second, this proposal protects the aesthetic qualities of unincorporated Dawson County by providing temporary marketing signs that are of similar scale to the development without impacting the surrounding landscape or neighboring properties. Additionally, these signs will help lease the space in the project which will have a significant positive impact and benefit to the economy of the community.



DAWSON COUNTY BOARD OF COMMISSIONERS Planning and Development

August 13, 2015

Planning

Mr. Matt Wilson
Principal
Wilson Development Group
2964 Peachtree Road - Suite 350
Atlanta, GA 30305

Zoning

Dear Mr. Wilson:

Code Enforcement

In connection with the Property, I hereby certify and represent the following statements are true as of the date of this letter:

GIS

TAX MAP & PARCEL: 106-075-008, 114-015, 114-024, 114-025 & 107-318

LOCATION:

343 Gordon Moss Road, 127 Gordon Moss Road, 175 Gordon Moss Road, and 1224 Hwy. 400 South (all located in Dawsonville, GA)

Building Permits
and
Inspections

ZONING:

C-HB (Commercial Highway Business)

The said Property is within the Dawson County commercial zoning district and exempt from minor subdivision plat specifications per Article V, Section 133-115 of the Dawson County Subdivision Regulations.

Business Licenses

The following has been cut and pasted from the Dawson County Subdivision Regulations:

Sec. 133-115. - Minor subdivision plat specifications (not applicable to commercial/industrial districts).

Alcohol Licenses

(a) Purpose and intent. It is intended that the subdivision process comply with this section to allow for subdivision of land up to five lots. It is the intent of the board of commissioners to prohibit the practice of "chain" subdivisions where the same or related landowners seek to subdivide consecutive and/or contiguous minor subdivisions to avoid the requirements of a major subdivision. It is also the intent of the board of commissioners to prohibit minor subdivisions adjacent to each other within a five-year period if the original tract of land is owned by another person or entity and was transferred or sold to circumvent the major subdivision requirements. The planning and development director and public works director have the discretion to require a major subdivision plat if a minor subdivision plat does not conform with the purposes and intent of the minor subdivision plat specifications.

Soil Erosion

(b) General requirements. The minor subdivision plat shall conform to all applicable regulations regarding subdivision of land and the Dawson County Minor Subdivision Plat Review Checklist in addition to the following requirements:

(1) No more than five lots will be created from the parent tract within a five-year period.

(2) Minimum lot size shall be regulated according to the Land Use Resolution (chapter 121 of this Code).

(3) Extension of common driveways onto adjacent tracts beyond the subdivision of a maximum of five lots will not be allowed.

Dawson County
Government Center
25 Justice Way
Suite 2322
Dawsonville, GA 30534
Phone 706-344-3500
ext. 42337
Fax 706-531-2726



Planning

Zoning

Code Enforcement

GIS

Building Permits
and
Inspections

Business Licenses

Alcohol Licenses

Soil Erosion

(4) No further subdivision will be allowed within five years of the approval of the minor subdivision plat.

(5) Dawson County Public Works reserves the right to require the applicant to submit a stormwater management plan with the minor subdivision plan.

(6) Common driveways shall be centered in a 30-foot-wide access and utility easement.

(7) Submittal, review, approval and recording of a minor subdivision plat shall be in accordance with the procedures for a final plat contained in sections 133-111 through 133-114.

(c) General plat and plan appearance. The Georgia Plat Act (O.C.G.A. § 15-6-67) and Dawson County Minor Subdivision Plat Review Checklist shall govern the appearance and size of the documents.

(d) Access. Access to minor subdivisions may be provided by either existing public streets or a common private driveway. Profiles of common private driveways will be required to be submitted with the minor subdivision plat.

(e) Flag lots. No more than two flag lots shall adjoin one another. The "pole" portion of the flag lot shall be a minimum of 30 feet wide for its entire length. Multiple individual driveways are discouraged. One common private driveway is preferred to serve multiple lots. No two "flag" portions of the lot shall be contiguous.

(f) Maintenance of common elements. The common private driveway and all other common elements of the minor subdivision shall be owned and maintained by a mandatory property owners' association. Dawson County will not be responsible for maintenance of common private driveways or other common elements. The minor subdivision plat shall contain the following note in large bold letters: "The Common Private Driveway shown on this plat is the responsibility of the property owners' association or property owner. Dawson County will not maintain the Common Private Driveway."

(Ord. of 8-19-2010, § 504)

END OF CUT & PASTE

Sincerely,

Rachel Burton, RLA
Director

Dawson County
Government Center
25 Justice Way
Suite 2322
Dawsonville, GA 30534
Phone 706-344-3500
ext. 42337
Fax 706-531-2726

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning & Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioner hearings and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at a public hearing may result in the postponement or denial of my special use or rezoning application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Dawson County.

I hereby certify that I have read the above and that the above information as well as the attached information is true and correct.

Signature of Applicant or Agent:  Date: 1-7-2016
Signature of Witness: Karen E. Davis Date: 1/7/2016

WITHDRAWAL

Notice: This section only to be completed if application is being withdrawn.

I hereby withdraw application #: _____

Signature: _____ Date: _____

Withdrawal of Application:

Withdrawals of any application may be accommodated within the Planning & Development office if requested before the Planning Commission agenda is set. Therefore, withdrawals may not be made after ten (10) days prior to the scheduled Planning Commission meeting hearing, unless accompanied by written request stating specific reasons for withdrawal. This withdrawal request is to be published in the legal organ prior to the meeting. Following that written request and publication the Commission will vote to remove the item from the agenda at the scheduled hearing. Please note that should the withdrawal be denied, the item will receive deliberation and public hearing with a decision by the Commission. Further the applicant is encouraged to be present at the hearing to substantiate reasons for withdrawal. Please note that no refund of application fee may be made unless directed by the Board of Commissioners.

January 7, 2016

Ms. Rachel Burton
Dawson County Planning and Development
25 Justice Way
Suite 2322
Dawsonville, Georgia 30534

Re: Request for Variance from the strict application of Article VII, Section 400 of the Dawson County Sign Ordinance for the Dawson Marketplace Shopping Center

Dear Ms. Burton:

We are requesting a variance from the strict application of certain regulations in Article VII, Section 400 of the Dawson County Sign Ordinance. The Dawson Marketplace Shopping Center proposed for 343 Gordon Moss Road along Georgia Highway 400 has already been subdivided into multiple parcels containing 100 acres of land that will eventually be developed with over 500,000 square feet of space.

We would like to erect temporary marketing signs during development of the project. The existing regulations allow a single temporary marketing sign on each parcel. The scale of the Dawson Marketplace Shopping Center makes the placement of such signs impractical, ineffective and possibly even unsightly and distracting to drivers. To avoid such an undesirable outcome we are submitting the attached Variance Application. If granted, such a variance would allow us to place a much smaller number of signs that will be large enough to be read from the distant adjoining rights of way. These signs will be larger but more attractive than many small signs and much more consistent with the scale and scope of the proposed development.

Subject to the attached "Statement of Reservation of Constitutional Rights" we respectfully request the granting of the attached Variance Application. Please feel free to contact either myself or Joe Fucile (770-951-6583; joe.fucile@hartmansimons.com) if you have any questions.

Sincerely,



Robert D. Simons, Esq.
Attorney in fact for
HENDON – BRE DAWSON MARKETPLACE, LLC

Statement of Reservation of CONSTITUTIONAL RIGHTS

A failure by Dawson County to grant approval of the Variance Application to which this reservation of rights is attached, as requested by the Applicant, would impose a disproportionate hardship on the Applicant without any accruing benefits to any surrounding property owners. The failure to grant this Variance Application would be unconstitutional in that it would render the property of limited use and significantly limit its marketability. As such, not granting this Variance Application or granting it with conditions that are significantly different than those proposed constitutes a taking without just and adequate compensation and without due process of law. Further, the failure to grant the Variance Application would be contrary to the wishes and desires of the property owner and would constitute an arbitrary and capricious act and would discriminate in an arbitrary, capricious and unreasonable manner between the property owner and owners of similarly situated property in violation of Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I (a) of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Any decision that would deny the Variance Application, as requested by the Applicant, would also be a violation of the Constitution of the State of Georgia, Article IX, Section II, Paragraph I that “counties pass clearly reasonable ordinances.”

A refusal by Dawson County to approve the Variance Application, as requested by the Applicant, thereby prohibiting the only viable economic use of the Subject Property, would be an unreasonable application of local land use authority which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and irrational abuse of discretion by the Dawson County Board of Commissioners in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States. The Applicant maintains that a refusal to approve the Variance Application, as requested by the Applicant, would also be an abuse of discretion under the power granted to local governments by the Georgia Constitution and the Zoning Procedures Law, O.C.G.A. §36-66-1, et seq.

In filing this statement with the Variance Application to which it is attached, the Applicant hereby reserves all rights and remedies available to it under the Constitution of the United States, the Constitution of the State of Georgia, all applicable federal, state and local laws and ordinances and in equity.

Accordingly, the Applicant respectfully requests that the Variance Application, as submitted by the Applicant be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

PROPERTY OWNER AUTHORIZATION

I / we J. Charles Hendon, Jr. hereby swear that I / we own the property located at (fill in address and / or tax map & parcel #):

343 Gordon Moss Road or Land Lots 371, 372, 407, 408, 409, 431, 432, 433, 434

District 13; Section 1

as shown in the tax maps and / or deed records of Dawson County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and / or conditions placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The under signer is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the Board of Commissioners.

Printed name of applicant or agent: Robert D. Simons, Esq.

Signature of applicant or agent: [Signature] Date: _____

Printed Name of Owner(s): HENDON-BRE DAWSON MARKETPLACE, LLC

Hendon - BRE Dawson Capital, LLC
its sole member

Signature of Owner(s): BY: [Signature] Date: 1/7/16

J. Charles Hendon, Jr., Manager

Sworn and subscribed before me Roxanne S. Payne
this 7th day of January, 2016.

Roxanne S. Payne
Notary Public

My Commission Expires: 03/17/18



(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)

ZA 15-05 VR 15-16 LIST OF ADJACENT PROPERTY OWNERS

TMP	First	Last	Address	City/State/Zip	Case#
114-030	Highland One LLC		4695 Highland Drive	Gainesville, GA 30506	ZA 15-05 & VR 15-16
114-004-002	Dawson Forest Investments		860 Summit Overlook Drive	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-075-004	CBH Chestatee LLC		8015 Monticello Drive	Atlanta, GA 30350	ZA 15-05 & VR 15-16
114-031	John & Shirey	Robley	3740 Mabry Road	Roswell, GA 30075	ZA 15-05 & VR 15-16
114-004-003	North Georgia Car Wash Holdings, LLC		804 Hwy. 400 South	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
114-004	Chelsea GCA Realty	CPG Partners LP	P.O. Box 6120	Indianapolis, IN 46206	ZA 15-05 & VR 15-16
106-075-006	John Megal Real Estate		1392 Hwy. 400 South	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
107-074	Alcar Adventures Inc.		6020 Summer Circle	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
107-250	Raymond	Sellers	380 Freeland Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-143	Diane	Epps	399 Freeland Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-142	War Hill Park, LLC		874 Carlton Ridge	Atlanta, GA 30342	ZA 15-05 & VR 15-16
106-075-005	Vishal 1 LLC		5675 Jimmy Carter Blvd., Suite 500	Norcross, GA 30071	ZA 15-05 & VR 15-16
106-141	Matthew & Teresa	Fitzmayer	3381 Backridge Road	Woodlawn, TN 37191	ZA 15-05 & VR 15-16
106-140	Douglas Eric	Gunter	1460 Lumpkin Campground Road South	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-139	Michael & Marie	Evans	1432 Lumpkin Campground Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-138	David	Gilbert	1402 Lumpkin Campground Road South	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-137	William & Sherry	Brown	1394 Lumpkin Campground Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-136	Daniel	Fuentes	1356 Lumpkin Campground Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-075	Courner Investments, LLC		82 Etowah River Road	Dawsonville, GA 30534	ZA 15-05 & VR 15-16
106-075-002	BDT Properties, LLC		8875 Maple Run Trail	Gainesville, GA 30506	ZA 15-05 & VR 15-16
106-075-003	BBB Builders		4308 West Cayuga Street	Tampa, FL 33614	ZA 15-05 & VR 15-16
106-075-001	CBH Chestatee LLC		8015 Monticello Drive	Atlanta, GA 30350	ZA 15-05 & VR 15-16
114-031	Dawson Forest Owner, LLC		5269 Buford Hwy.	Atlanta, GA 30340	ZA 15-05 & VR 15-16