



Action Requested/Required:

- Vote/Action Requested
 - Discussion or Presentation Only
 - Public Hearing
- Report Date: 5/26/26
Hearing Date: 7/2/26
Voting Date: 8/6/26

Department: Community Development **Presenter(s) & Title:** Thomas Trawick
Planning & Zoning Manager

Agenda Item Title:

Information Only - Case RZON2604-010 - Request to Rezone +/- 177.43 Acres located at 2030 & 2050 Sam Nelson Road and 650 Talcmine Drive from PD-MU to R-4 (City)

Summary:

Bradley Dunckel of DCCM has filed a rezoning request for 2030 & 2050 Sam Nelson Road and 650 Talcmine Drive. The Applicant is seeking to rezone the property from PD-MU to R-4. The Applicant is proposing to develop the site as a single-family detached subdivision with 225 residential units. The site was rezoned by the City in 2021 to PD-MU for a winery, for multifamily and single family residential, for commercial and some agricultural land uses.

Budget Implications:

Budgeted? Yes No N/A

Total Cost of Project: Check if Estimated

Fund Source: General Fund Water & Sewer Sales Tax Other:

Staff Recommendations:

A Staff Report will be presented to the Mayor and City Council at the Public Hearing on July 2, 2026. There is no recommendation at this time.

Reviews:

Has this been reviewed by Management and Legal Counsel, if required? Yes No

Attachments:

Application
LOI
Site plan



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

PUBLIC HEARING APPLICATION

Project #(s):

RZON2604-010

This Application is for:

- | | |
|-----------------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> A Annexation | <input type="checkbox"/> I Temporary Use Permit |
| <input checked="" type="checkbox"/> B Rezoning | <input type="checkbox"/> J Zoning Ordinance Text Amendment |
| <input type="checkbox"/> C Master Plans | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> D Master Plan Amendment | <input type="checkbox"/> Adjustment |
| <input type="checkbox"/> E Conditional Use Permit | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> F Land Use Modification | |
| <input type="checkbox"/> G Zoning Condition Amendment | |
| <input type="checkbox"/> H Density Transfer within Master Plan | |

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1500.

Applicant Information:

Name: DCCM - Bradley Dunckel
Address: 425 Oak St.

City: Gainesville
State: GA ZIP Code: 30501
Telephone: 678-450-5175
Email Address: bdunckel@dccm.com

Owner Information:

Name: Grid Properties, LLC - Dick Stewart
Address: 2015 Boundary Street, Suite 300

City: Beaufort
State: SC ZIP Code: 29902
Telephone: 843-441-1727
Email Address: dstewart@303associates.com

I, Bradley Dunckel, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, Bradley Dunckel, have received and thoroughly read the Public Hearing Procedures.

This 30th day of April, 2026.

Applicant Signature: Bradley Dunckel Print Name: Bradley Dunckel



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): RZON2604-010

This form is to be executed under oath. I, Grid Properties, LLC - Dick Stewart do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 20th day of April, 2020.

Owner Signature: [Signature] Print Name: Dick Stewart

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for:

This Application is for:

<input type="checkbox"/> A Annexation	<input type="checkbox"/> I Temporary Use Permit
<input checked="" type="checkbox"/> B Rezoning	<input type="checkbox"/> J Zoning Ordinance Text Amendment
<input type="checkbox"/> C Master Plans	<input type="checkbox"/> Appeal
<input type="checkbox"/> D Master Plan Amendment	<input type="checkbox"/> Adjustment
<input type="checkbox"/> E Conditional Use Permit	<input type="checkbox"/> Special Exception
<input type="checkbox"/> F Land Use Modification	
<input type="checkbox"/> G Zoning Condition Amendment	
<input type="checkbox"/> H Density Transfer within Master Plan	

Name of Authorized Applicant: DCCM - Bradley Dunckel

Signature: Bradley Dunckel

Mailing Address: 425 Oak St.

City: Gainesville

State: GA Zip Code: 30501

Telephone: 678-450-5175

E-mail: bdunckel@dccm.com

Applicant Status:

- Owner
- Option to Purchase
- Leasee
- Area Resident
- Other (Explain): Engineering Consultant

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 20 Day Of April, 2020.

Notary Signature: [Signature]

Navarra Fennell
Notary Public, State of South Carolina
My Commission Expires September 16, 2035



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DISCLOSURE FORM

Project #(s):

RZON2604-010

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an Applicant or opponent of a Public Hearing petition. Applicants must file this form with the Department of Community Development. Please complete a separate form for each authorized Applicant.

Name of Applicant/Opponent: DCCM - Bradley Dunckel

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Mayor and City Council?
 YES NO
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?
 YES NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
 YES NO
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
 YES NO

Section 2

1. Name and the official position of the Canton Official to whom the campaign contribution was made **(Please use a separate form for each official to whom a contribution has been made in the past (2) years):**

NONE

2. List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

	Description
\$	_____
\$	_____
\$	_____



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PROPERTY INFORMATION

Project #(s):

RZON2604-010

Address: 2030 & 2050 Sam Nelson Road and 650 Talcmine Road, Canton, GA 30114

Land Lot(s): 99 & 100 District: 14 Section: 2 Parcel ID(s) 14N09 034B, 14N09 034E & 14N10 041

Existing Zoning Of Property: PD-MU City County Total Acreage Of Property: 177.43+/-

Proposed Zoning Of Property: R-4 Existing Use(s) Of Property Cell Tower

ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	See attached sheet for full list		
SOUTH			
EAST			
WEST			
OTHER			
OTHER			
OTHER			

UTILITY INFORMATION:

How is sewage from this development to be managed? Public sewer through City of Canton

Proposed managing jurisdiction: City of Canton

How will water be provided to the site? Public water through City of Waleska

Proposed managing jurisdiction: City of Waleska Size Limit: 10"

Direction	Owner Name	Address	Parcel ID	Current Zoning	Current Land Use
North	Silvina & Jose Luis Herrera	290 Talcmine Road, Canton, GA 30114	14N09 036A	AG	SDA
North	Elias Herrera & Margarita Sandoval	247 Talcmine Road, Canton, GA 30114	14N09 035C	AG	SDA
North	Jessica A & Charles A Croft	283 Talcmine Road, Canton, GA 30114	14N09 038	AG	SDA
North	CRD2, LLC	1001 Lexington Ave, Rochester, NY 14606	14N09 034C	R-10	SDA
North	Timothy A Reneau, Trustee	2025 Sam Nelson Road, Canton, GA 30114	14N09 046	AG	N/A
East	James Edward Duffly	P.O. Box 83, Lebanon, GA 30146	14N09 034D	AG	SDA
East	Ballantry PMC Laurel, LLLP	4770 South Atlanta Road, Atlanta, GA 30339	14N10J 135	PD-MU	SDA
East	Curtis Vaughan	237 Laurel Vista Dr, Canton, GA 30114	14N10J 036	PD-MU	SDA
East	James Michael Dodd	235 Laurel Vista Dr, Canton, GA 30114	14N10J 037	PD-MU	SDA
East	Ballantry PMC Laurel, LLLP	4770 South Atlanta Road, Atlanta, GA 30339	14N10J 030A	PD-MU	SDA
East	Nadia K Tucker	416 Horizon Trail, Canton, GA 30114	14N10J 053	PD-MU	SDA
East	Kenneth M Hughes, Trustee	418 Horizon Trail, Canton, GA 30114	14N10J 054	PD-MU	SDA
East	Mary Angela Jones	420 Horizon Trail, Canton, GA 30114	14N10J 055	PD-MU	SDA
East	Eric Brown, Trustee	422 Horizon Trail, Canton, GA 30114	14N10J 056	PD-MU	SDA
East	David A Biron	424 Horizon Trail, Canton, GA 30114	14N10J 057	PD-MU	SDA
East	Alan G & Jacquelyn Lackey	426 Horizon Trail, Canton, GA 30114	14N10J 058	PD-MU	SDA
East	James J & Jiayun Li Harris	428 Horizon Trail, Canton, GA 30114	14N10J 059	PD-MU	SDA
East	David D & Mary N Coleman	430 Horizon Trail, Canton, GA 30114	14N10J 060	PD-MU	SDA
East	Charles C Brown	432 Horizon Trail, Canton, GA 30114	14N10J 061	PD-MU	SDA
East	Gina Campagnolo-Smith	434 Horizon Trail, Canton, GA 30114	14N10J 062	PD-MU	SDA
East	Stanley F Benak & Suzanne M Severin	436 Horizon Trail, Canton, GA 30114	14N10J 063	PD-MU	SDA
East	Victoria W Bessa	438 Horizon Trail, Canton, GA 30114	14N10J 064	PD-MU	SDA
East	James Clark MacLaughlin	440 Horizon Trail, Canton, GA 30114	14N10J 065	PD-MU	SDA
East	Michael & Catherine Harper	442 Horizon Trail, Canton, GA 30114	14N10J 066	PD-MU	SDA
East	Alfred J Lee	443 Horizon Trail, Canton, GA 30114	14N10J 067	PD-MU	SDA
South	Canton Building Authority	151 Elizabeth Street, Canton, GA 30114	14N10 042C	PD-MU	SDA
West	Buckner Holdings, LLC	1890 Sam Nelson Road, Canton, GA 30114	14N10 028	AG	SDA
West	Lawrence M, Jr & Cagle	1953 Sam Nelson Road, Canton, GA 30114	14N09 030	AG	N/A



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PUBLIC SCHOOL INFORMATION

Project #(s):

RZON2604-010

PUBLIC SCHOOL POLICY STATEMENT:

“The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School [District] and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the Applicant and the appropriate school board representative.” (105.10.04)

- **Developers whose projects consist of 25 or more residential units shall contact the Cherokee County School District and communicate with a school board representative to discuss their intent.**
- **This communication between the Applicant and the school board should take place, at a minimum, prior to the Informational Item meeting in Month Two (see Pages iii and iv).**
- The Applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken.

The current Cherokee County School District contact regarding any potential mitigation required for this application and proposal is:

Mitch Hamilton
Director of Planning, Facilities, and Compliance
 200 Mountain Brook Court
 Canton, GA 30115
 (770) 721-8429
 mitch.hamilton@cherokeek12.net

ZONED SCHOOLS: (circle one each)

HIGH:

CHEROKEE

CREEKVIEW

ETOWAH

SEQUOYAH

MIDDLE:

CREEKLAND

DEAN RUSK

FREEDOM

TEASLEY

ELEMENTARY:

AVERY

BALL GROUND

CLAYTON

HASTY

INDIAN KNOLL

KNOX

R.M. MOORE

SIXES



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

REVIEW CRITERIA

Project #(s):

RZON2604-010

How will this proposal be compatible with surrounding properties? The surrounding properties are located within the City's SDA (Suburban Density) character area. The property is located within the City's growth boundary line.

How will this proposal affect the use and value of surrounding properties? The surrounding properties are primarily zoned for residential and therefore compatible with the proposed residential use of this property. There should be no negative impacts from zoning this property to R-4.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not. The current zoning of PU-MD was created specifically for its proposed use as an agribusiness themed development. Since the time of this rezoning in 2021, the property owner has been unsuccessful in securing a developer/operator for that type of facility.

What would be the increase to population and traffic if the proposal were approved? The total number of residential units has been reduced from 258 to 225. Additionally, the winery and event center has been eliminated further reduce the traffic volume.

What would be the impact to schools and utilities if the proposal were approved? The availability of water and sewer capacity has been confirmed with the providers. A schedule for the phase in of new residential units has been provided to the school board.

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map? The comprehensive plan identifies this area as SDA (Suburban Development). Although R-4 is not a potential zoning district under the SDA character area, the proposed lot sizes and densities match well to the existing surrounding developments.

How is the proposal consistent with the City of Canton Roadmap of Success? The proposal meets the Roadmap for Success for providing "Great Neighborhoods". Quality built homes from a top-tier national builder will supply much needed inventory for this area. Secondly, over 40% of the property will be preserved as greenspace meeting the tenet for "Natural Environment".

Are there existing or changing conditions which affect the development of the property and support the proposed request? New developments within this area of the City are virtually built-out with demand still strong for new homes in this area. This property has access to existing utilities which support its use for the residential uses proposed.

(These criteria should additionally be addressed in the required Letter of Intent.)

Project Narrative for Sam Nelson Road Tract

REVISED 5/5/26

LOCATION – 2030 & 2050 Sam Nelson Road and 650 Talcmine Road, Canton, GA 30114

ACREAGE – 177.43 acres +/-

PARCELS – 14N09 034B, 14N09 034E & 14N10 041

EXISTING ZONING – PD-MU

REQUESTED ZONING – R-4

APPLICANT – DCCM

Summary

The accompanying application seeks zoning district change from PD-MU to R-4 for 177.43 +/- acres of unimproved property located on Talcmine Road and Sam Nelson Road in the City of Canton, approximately 1.4 miles west of Waleska road (GA 140). The intent is to develop up to 225 units of single-family detached housing along with an amenity center while maintaining a significant amount of open space. The proposed use is consistent with the Canton's Comprehensive Plan for "suburban development" use and appropriate for the City of Canton's R-4 District and for this location. Completion of development is anticipated by 2031.

Site Description

Subject Property is currently vacant and undeveloped, except for a cell tower site (+/- 8.81 acres) in the northern part of the property east of Talcmine Road and except for the remnants of mine shafts on the west side from the days when the Property was used for talc mining operations.

The topography of the Property climbs dramatically from (approximately 400 feet) its low point in the south to its high point near the cell tower. To locals it has been known as "Polecat Mountain" for years. There are streams on the Property which will be buffered per state stream buffer and local requirements. There is no floodplain on the Subject Property.

The parcel has approximately 420 LF of frontage along Sam Nelson Road, is rectangular in shape and averages 2,800 LF deep. The site has a significant number of trees and other vegetative cover. Domestic water provided by the City of Waleska from a 10" water main located in Sam Nelson Road. Domestic sanitary sewer will be provided by City of Canton through existing sewer infrastructure south of the property. All other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property is surrounded by residential zonings, primarily PD-MU to the east and south and AG to the north and west.

Access

Access to the property is from Sam Nelson Road approximately 1.4 miles west of Waleska Road (GA 140). A secondary, emergency access is proposed from Talcmine Road.

Zoning History

This property was rezoned to PD-MU in 2021. The approved uses at that time included:

- A Winery & Cooperage (3,500 SF) containing an artisan village, winemaking and cooperage building, and meeting areas for tourists and guests.
- A 23,500 SF complex (The Center) containing restaurants, wine tasting, retail, conference and classroom space, as spa and wellness center, underground wine cellar, 108 stacked flats, and outdoor plaza, pool and outdoor amenities.
- A single family detached area comprised of 45 – 100' x 100' homesites.
- A multi-family area comprised of 105 villas
- 31 acres of vineyards
- 10 acres of gardens, groves, orchards, walking trails, ponds and a pavilion.

Zoning Request

This request for an R-4 zoning includes the following:

- 225 single family detached homes (55' x 130')
- An amenity including pool, cabana and parks
- At least 50 acres of permanent open space

Comprehensive Plan Consistency

The project is consistent with the “suburban development” designation of the Future Land Use Map, and is not known or believed to be in conflict with the plan’s vision.

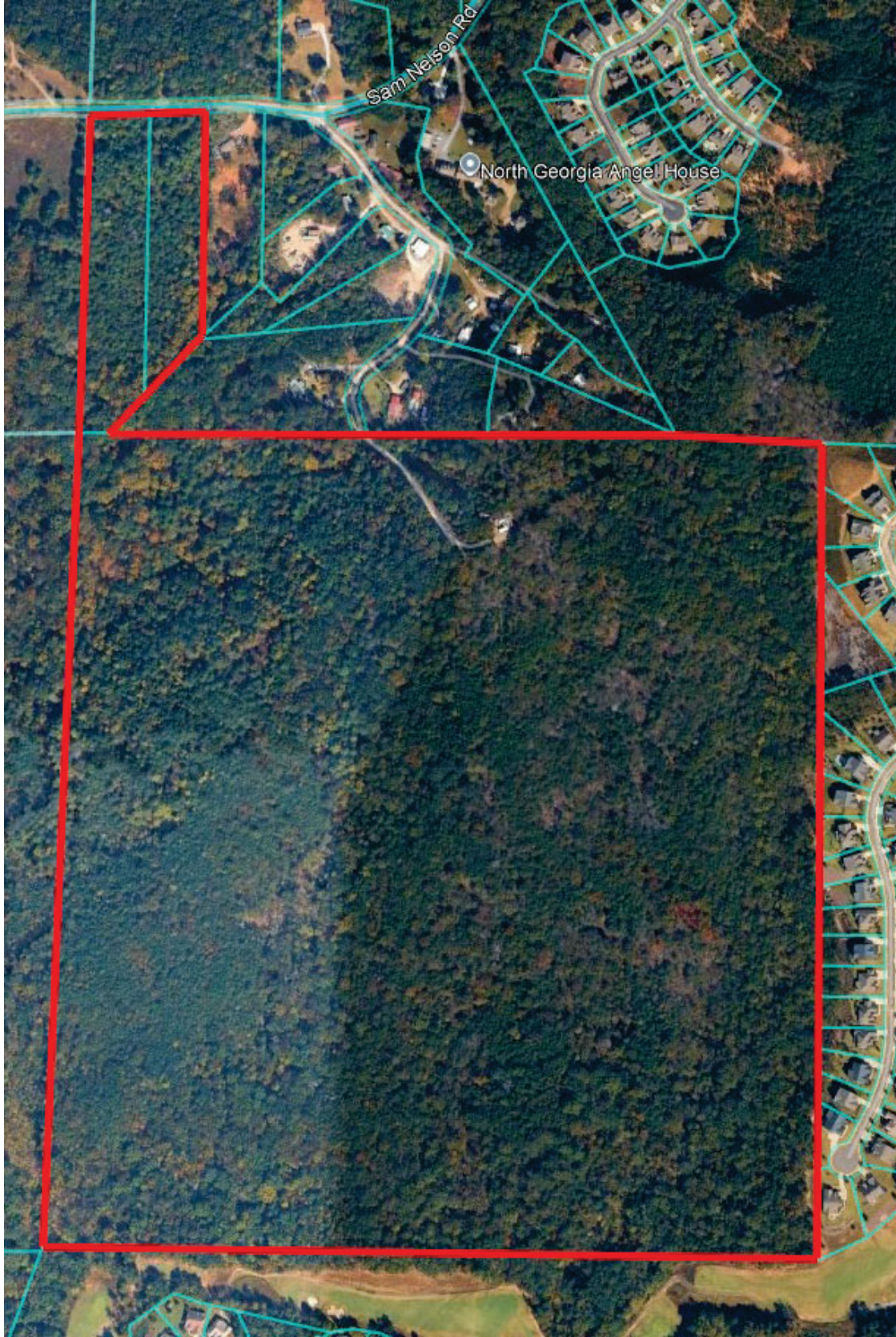
Traffic Impact Study

A Traffic Impact Study is not included as part of this submittal.

Development Strategy

The proposed use of the property by the 2021 zoning to PD-MU proved to be financially infeasible despite several attempts to find a grower and operator for the winery. Although grape prices have somewhat recovered over the past two years, the amount of time to grow grapes to maturity for wine production remains challenging. The proposed use as single family detached community is more consistent with the existing properties surrounding the site. Development of the property will be accomplished in two or three phases over a three-to-four-year period.

Aerial View



Project Dimensional Standards

Proposed Dimensional Standards	
	Single Family - Detached
Acreage (Overall)	177.43
Density (Gross)	1.27
Density (net)	1.52
# of Lots	225
Exterior Buffer to PD Zoning	50'
Minimum Open Space (Overall)	30%
Sidewalks	5', both sides
Lot Coverage	50%
Minimum lot width @ building line	55'
Minimum lot area	7,150 SF
Maximum height	40'
Front setback from ROW	20'
Rear setback	15'
Side setback	5'
Corner Lot Setback	20'
Side Separation (foundation to foundation)	10'
Guest Parking	2 per Unit
Minimum heated floor area	1,500 SF

Architectural Materials & Site Improvements

Although a specific builder group has not been identified, at a minimum the homes would follow a design theme that would include:

- Two-car garages
- Front facades with a combination of masonry and hardi-plank materials
- Side & Rear facades with hardi-plank or shake siding
- Architectural weight shingles
- Sodded yards (4 sides)
- One street tree per home (minimum 2 ½" caliper)

Entrance Monumentation

The entrance may be gated and if so, the private streets will be maintained by the Homeowner's Association (HOA). All necessary requirements to allow access for public safety and other services will be provided. At least one central mail kiosk will be provided subject to USPS review and approval. The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Gate House
- Operable or Faux Gates
- Illuminated Signage in accordance with the City of Canton Sign Ordinance
- Ornamental Sculpture
- Landscaping & Irrigation

Amenities

The community amenities will vary depending on the housing option executed but at a minimum will contain the following items:

- Covered cabana with restrooms
- Pool & decking
- Dog Park
- Parking Lot

Other amenities, at the sole discretion of the Developer, may include the following items:

- Walking Trails
- Tennis or Pickle Ball Courts
- Playground
- Passive Pocket Parks
- Fire Pit
- Basketball (multi-use) Court
- Enclosed Clubhouse

Signage

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

Temporary Sales and Marketing signs not exceeding 32 square feet per sign face and 8 feet in height may be used along Sam Nelson Road.

Utilities

A letter from Bethany Watson, P.E., City Engineer, indicates that sewer is available for the property, subject to obtaining easements and extending service where necessary. Water service is proposed from the City of Waleska through a 10" main located in Sam Nelson Road.

Landscaping

In addition to extensive landscaping at the entrance, individual homes will be landscaped with a variety of foundation planting schemes, at least one mature hardwood tree per lot and 4-side sod lawns. The amenity will be heavily landscaped to create a sense of arrival consistent with the recreational nature of the space.

Model Home Permits

Applicant requests that up to ten (10) model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy permits (CO) will be issued prior to final plat recording. Model Homes may be utilized as temporary offices.

Sales and Construction Trailers

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possible ahead of final plat approval.

Homeowner's Association

A Homeowner's Association will be created in order to administer the covenants, conditions and restrictions that will be placed on the property by the Applicant. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Conceptual Master Plan

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of City of Canton requires the Applicant to raise Federal and State constitutional objections during the R-4 master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the City of Canton Development Code, facially and as

applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Canton Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Canton City Council to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the City of Canton City Council without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the R-4 zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the City of Canton City Council to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth

hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this R-4 master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Bradley Dunckel
DCCM
425 Oak St.
Gainesville, GA 30501
678-450-5175
bdunckel@dccm.com

