



PLANNING & ZONING STAFF REPORT

June 1, 2026

Case Numbers:	VAR2604-002
Applicant:	Edward Vargas
Property Owner:	Legacy Design & Development, LLC.
Property Address:	3632 Fate Conn Road Canton, GA 30114
Council Ward:	Ward 2 – Tolan/Roach
Parcel Number:	14N21 045 (14-0245-0004)
Current Zoning:	R-10 (Single family detached, 10,000 sq. ft.), City of Canton
Character Area/ Future Land Use:	Suburban Development
Acreage:	+/- 4.647 acres
Proposed Use:	Single-family detached subdivision

REQUEST

The Applicant seeks following variances:

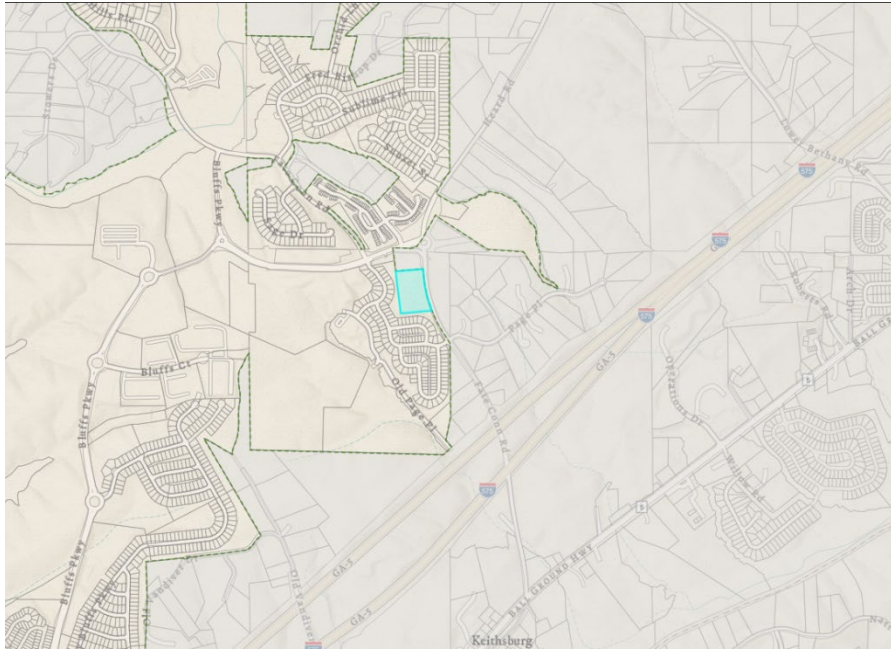
- (1) Reduction of the minimum front setback from 35' to 20'
- (2) Reduction of the minimum lot frontage from 50' to 40'
- (3) Reduction of the minimum lot width from 75' to 45'

SITE

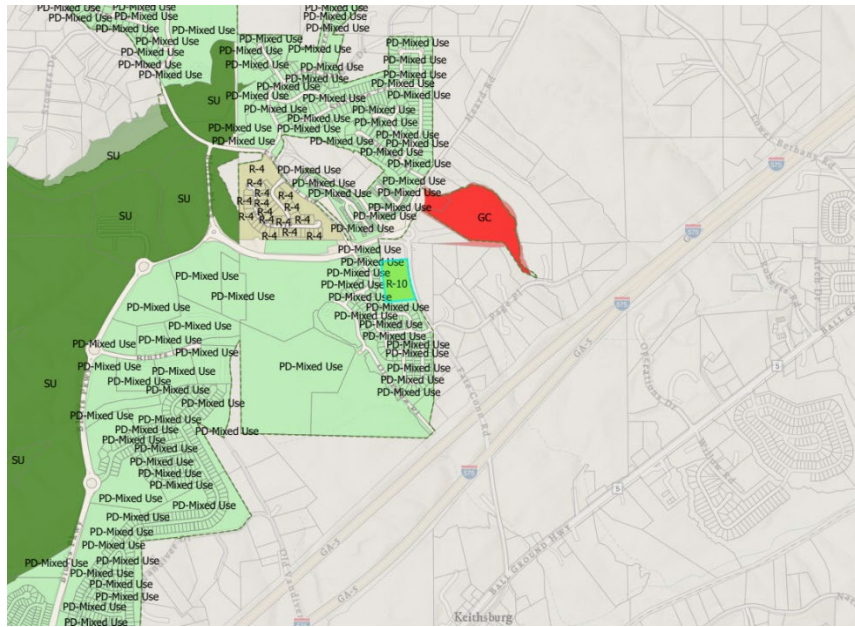
The subject property is located along Fate Conn Road south of the intersection with Technology Ridge Parkway and Heard Drive. To the west of the property is the Park Village subdivision. The property is currently occupied by a single-family detached residence that is currently vacant.

On December 4, 2025, the Mayor and City Council considered an annexation and rezoning application by this Applicant to change the zoning from AG (Agricultural) in Cherokee County to R-4 (4,000 sq. ft. lot size minimum) in the City of Canton. The Council instead approved a rezoning to the R-10 zoning district with various conditions.

LOCATION MAP



ZONING MAP



SURROUNDING USES

North	Vacant	AG (Cherokee County)
South	Single-family detached residential	PD-MU
East	Vacant	R-80
West	Single-family detached residential	PD-MU

VARIANCE

Consider the following criteria as it pertains to proposed variance requests:

1. *The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;*
2. *The variance request is based on conditions that are*
 - a. *Unique to the subject property;*
 - b. *Not generally applicable to other properties in the same zoning district;*
3. *Because of the particular conditions, shape, size, orientation, or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;*
4. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations of other similarly situated properties;*
5. *The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and*
6. *The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.*

DEPARTMENT COMMENTS

No comments.

CONDITIONS FOR CONSIDERATION

Should the Board of Appeals consider approving the requested variance(s), the following conditions of approval should be considered:

N/A



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

VARIANCE PUBLIC HEARING APPLICATION

Project #(s):

VAR2604-002

This Application is for a:

- Pre-Construction Variance
 Post-Construction Variance

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) 704-1559.

Applicant Information:

Name: Edward Vargas
Address: 4255 Cardiff Way
City: Cumming
State: GA ZIP Code: 30041
Telephone: 706-344-7921
Email Address: eddie@legacydd.com

Owner Information:

Name: Legacy Design & Development, LLC
Address: 327 Dahlbinea Street
Suite 104
City: Cumming
State: GA ZIP Code: 30040
Telephone: 706-344-7921
Email Address: Carey@legacydd.com

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

This 23rd day of March, 2026.

Applicant Signature:

Print Name:

Edward Vargas



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

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): **VAR2604-002**

This form is to be executed under oath. I, Edward Vargas, 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, 2026.

Owner Signature: [Signature] Print Name: Edward Vargas

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 a:

- Pre-Construction Variance
- Post-Construction Variance

Authorized Applicant Name:

Edward Vargas - Legacy Design & Development, LLC

Signature: [Signature]

Mailing Address:

327 Dahlbreen St. Suite 104
City: Cumming
State + ZIP: GA 30040
Email: eddie@legacdd.com
Telephone: 706-344-7921

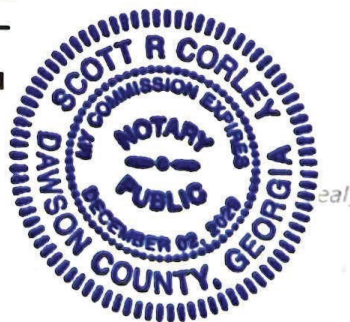
Applicant Status:

- Owner
- Option to Purchase
- Lessee
- Area Resident
- Other (explain: _____)

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is

Sworn To and Subscribed Before Me This 20th
Day Of APRIL, 2026.

Notary Signature: [Signature]





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

PROPERTY INFORMATION

Project #:

VAR2604-002

Address(es):

3632 Fate Conn Rd.

Land Lot(s): 210 District: 14th Section: 1st Parcel ID(s) 14-0245-0004

Existing Zoning Of Property: R-10 City County Total Acreage Of Property: 4.85

Existing Use(s) Of Property _____

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	Darsit Patel 14-0245-0003	AG-County	undeveloped
SOUTH	Park Village Comm. 14-0245-0147	PD	Single family residential
EAST	Brandon Shamsabadi 14-0245-0001	AG-County	undeveloped
WEST	Park Village Comm. 14-0245-0147	PD	Single family residential
OTHER			
OTHER			
OTHER			

Ordinance section(s) for which a variance is requested: 102.04. Table 102-5

2) Please explain the reasoning for the requested variance:

THE REASON FOR THE REQUESTED VARIANCE PERTAINS TO THE FRONT SETBACKS REQUIREMENTS, LOT FOOTAGE MINIMUMS & LOT WIDTH REQUIREMENTS IN ORDER TO ACCOMMODATE LOTS WITHIN THE STREET RADIUS. FOUR OF THE LOTS WITHIN THE APPROVED CONCEPT PLAN VIA MAYOR CITY COUNCIL ARE AFFECTED BY THE STATED ZONING REQUIREMENTS.

(This should additionally be addressed in the required Letter of Intent)



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

VARIANCE REVIEW CRITERIA

Project #:

VAR2604-002

- 2.) Are there any extraordinary or exceptional conditions pertaining to the subject property because of its size, shape, or topography? YES, THE SMALL SIZE & SHAPE OF THE PROPERTY ACCOMPANIED BY THE SETBACK REQ'S & LOT WIDTHS WITHIN THE DEVELOPMENT STANDARDS. THIS VARIANCE REQUEST SPEARS TO 4 LOTS WITHIN THE DESIGN PLAN @ THE STREET RADIUS THAT ARE ALL FACING RESTRICTED DEVELOPMENT CONDITIONS DUE TO THE SETBACK & LOT WIDTH REQUIREMENTS.
- 3.) Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? YES, THE ZONING CODE STANDARDS MAKE IT IMPOSSIBLE FOR THE APPLICANT TO DEVELOP THE PROPERTY TO THE FULL POTENTIAL OF APPROVED LOTS. THIS REQUEST AFFORDS THE APPLICANT THE OPPORTUNITY TO DEVELOP AS MANY POTENTIAL LOTS WITHIN THE APPROVED ZONING CONDITION.
- 4.) Does a literal interpretation of the Zoning code deprive the Applicant of any rights that others in the same district are allowed? THE INTERPRETATION OF THE ZONING CODE WOULD DEPRIVE THE APPLICANT THE ABILITY TO COMPLETE THE DESIGN OF THE PROPERTY AS PER THE INTENT OF THE APPROVED RE-ZONING DECISION BY MAYORAL CITY COUNCIL.
- 5.) Has the condition from which relief or variance is sought been a result from action by the Applicant? NO - THE APPLICANT IS SEEKING THIS RELIEF BY VARIANCE DUE TO THE RESTRICTIONS PLACED ON LOT SIZE REQ'S FROM THE R-10 ZONING. NEIGHBORING COMMUNITY IS PUD. APPLICANT ORIGINALLY REQUESTED R-4 IN WHICH CITY STAFF RECOMMENDED FOR APPROVAL ONLY TO LATER RANGE TO R-10.
- 6.) Are there conditions peculiar to the subject property? NO - THERE ARE NO CONDITIONS PECULIAR TO THE SUBJECT PROPERTY
- 7.) Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City? NO, THERE ARE NO ADVERSE AFFECTS CREATED FROM THIS VARIANCE APPROVAL ON THE LOCAL INHABITANTS OF THE FUTURE DEVELOPMENT, ITS NEIGHBORING DEVELOPMENTS, THE CITY OR ITS STREETS.

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

Letter Of Intent

3632 Fate Conn Rd. Variance Requests

Land Lot: 245, 14th District, 2nd Section

Owner/Applicant: Legacy Design & Development

Letter of Intent

4-29-2026

Submission Variance Request

It is the intent of Legacy Design & Development, LLC, the applicant/owner, to request variances for the above stated property in order to accommodate final design as originally intended with the City's recent approval of a recent annexation & rezoning request.

We, the applicant are seeking variances to the minimum front setback of 35' reduced to 20', minimum lot frontage from 50' to 40' and minimum lot width from 75' to 45'. These are variances to the Table 102-5 "Development Standards Table" as they pertain to R-10 zoning. The request is necessary to accommodate approximately 3-4 lots with proposed street radius frontage which due to the current size and shape of the property will be irregular in size/shape relative to the other lots.

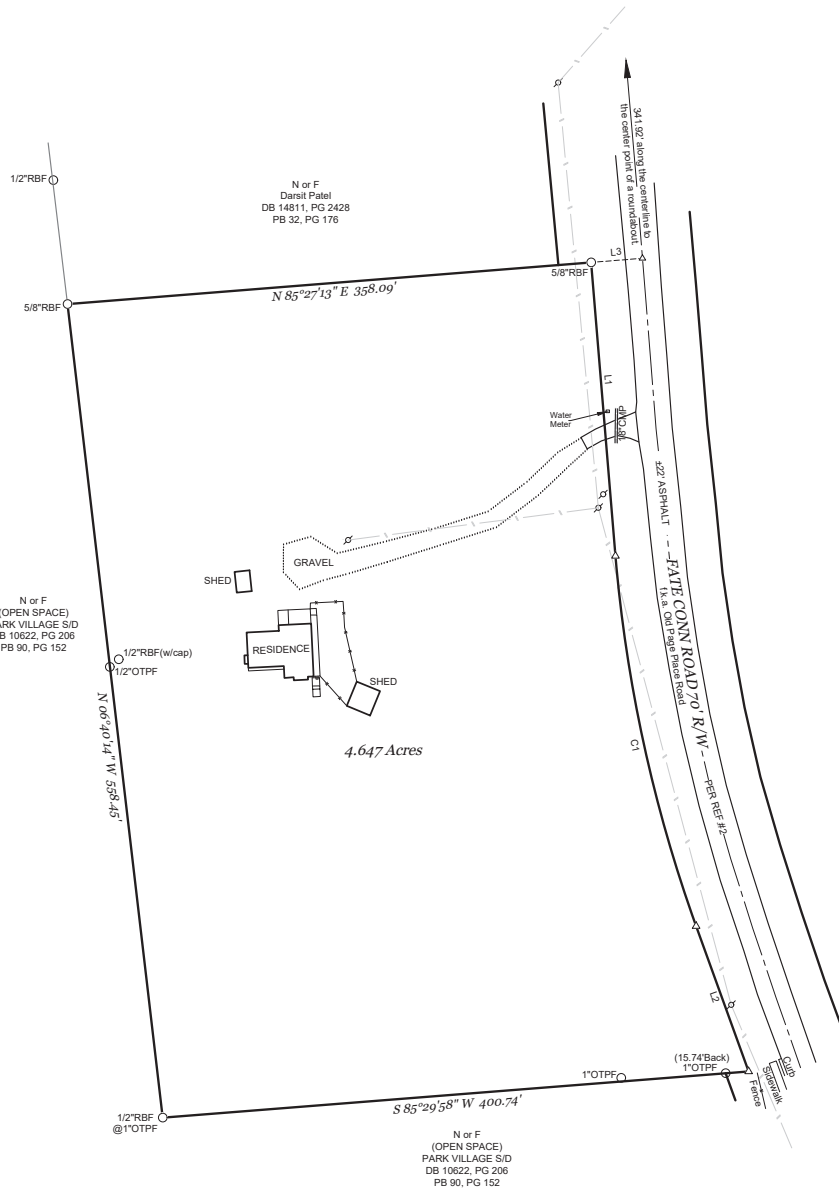
Our hardship in this case is that the zoning code standards, as currently applied, make it impossible for the applicant to fully realize the development potential of the approved lots. While full realization may not be entirely attainable, granting the requested variances would allow the applicant to develop the maximum number of viable lots possible under the approved zoning requiring minimum 10,000 sq.ft. lots.

There are no peculiar conditions unique to the subject property beyond those created by the zoning requirements themselves. Additionally, approval of this variance will not create any adverse effects on future residents, neighboring developments, the surrounding community, or city infrastructure, including streets.

For these reasons, the applicant respectfully requests approval of the variance to allow reasonable and practical development consistent with the approved concept plan.

Thank you for your consideration.

CLERK OF THE COURT FILING INFORMATION



- NOTES:
1. Field Data: This survey was conducted using GPS, static and real time kinematic methods. A relative positional precision, for horizontal measurements, of less than 0.08' + 100ppm at the 95% confidence interval was achieved.
 2. Field Measurements were taken with a Carlson BRx7, dual frequency receiver base station and rover on 09-10-2025 and were adjusted using the Least Squares Method.
 3. Bearings are based on Grid North, Ga West Zone, NAD 83 and established using a Carlson BRx7, dual frequency receiver base station and rover.
 4. Plat Precision: 1/25,372.031'
 5. The public records referenced herein reflect only those records necessary to establish the boundaries hereon, and reference to the same does not and is not intended to constitute a title search or title opinion.
 6. This property is not located in a Flood Hazard Area as indicated on F.I.R.M. No. 13057C0162E, dated 06-07-2019.
 7. Building setbacks and buffers may not be shown hereon. They are governed by the local jurisdiction and should be confirmed prior to land planning or construction activities.

- REFERENCES:
1. Deed Book 14964, Page 159. Plat Book 17, Page 162.
 2. Survey for Elmer T. Olsen by Roy D. Wilson R.L.S. # 2081 dated 03-14-1987.

SURVEYOR'S CERTIFICATE:
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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. Section 15-6-67.

Neil A. McWhorter 09-12-2025
 Neil A. McWhorter, GA RLS # 2944 Date
 K.E.Q., Inc. Certificate of Authorization Number LSF000275

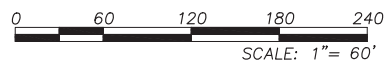


LINE	BEARING	DISTANCE
L1	S 04°45'03" E	200.77'
L2	S 19°50'11" E	105.37'
L3	N 85°24'57" E	35.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1000.64'	259.07'	258.34'	S 12°17'46" E

LEGEND

OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RBF	Rebar Found
RBS	Rebar Set
B/L	Building Line
U	Utility Pole
N or F	Now or Formerly
X	Fence
—	Overhead Wire
—	Not to Scale
△	Calculated Point



Survey for:
LEGACY DESIGN & DEVELOPMENT
 Land Lot 245, 14th Dist., 2nd Sect.
 Cherokee County, Georgia
 09-12-2025

McWhorter & Anderson
 LAND SURVEYING & CIVIL ENGINEERING

416 Pirkle Ferry Road
 Building H, Unit 300
 Cumming, GA 30040
 (770) 889-9430
 www.mga-se.com
 © K.E.Q., Inc. 2025
 FILE: 13356



December 5, 2025

Legacy Design & Development, LLC
327 Dahlonega Street
Suite 104
Cumming, GA 30040

Subjects: ANNX2509-003 and RZON2509-008 – 3632 Fate Conn Road – Requests to annex the subject property and rezone parcel from AG (Cherokee County) to R-4 (City of Canton)

Dear Mr. Vargas:

Please be advised that the Mayor and City Council, during the meeting held on December 4, 2025, voted to approve your annexation request. In addition the subject property was approved for rezoning to the R-10 (single family detached, 10,000 square foot lot minimum) zoning category with the following conditions:

- 1) The required buffer along the property line adjacent to unincorporated Cherokee County is reduced to twenty-five (25) feet.
- 2) The rear setback line shall be thirty (30) feet.
- 3) An eight (8) foot solid wood screening fence shall be constructed along the north, south and west property lines.
- 4) A five (5) no access easement shall be placed along the property frontage of Fate Conn Road. This easement shall be shown on all Land Disturbance Permit applications and the final plat.
- 5) The owner/developer shall donate a mitigation fee per unit as determined by an agreement between the owner/developer and the Cherokee County School Board. This mitigation fee shall be paid prior to the issuance of the first building permit. This shall be paid as one lump sum and not on a permit by permit basis.



6) Any non-substantial change may be administratively approved.

7) The development shall be limited to a maximum of fifteen (15) homes.

Should you have any questions please feel free to contact me.

Sincerely,

Steve Green, Zoning Administrator


City of Canton

Cc File
ANNX2509-003
RZON2509-008