



**Action Requested/Required:**

- Vote/Action Requested
  - Discussion or Presentation Only
  - Public Hearing
- Report Date: 4/23/26  
Hearing Date: 6/4/26  
Voting Date: 7/2/26

**Department:** Community Development      **Presenter(s) & Title:** Tyler Peoples  
City Planner

**Agenda Item Title:**

Public Hearing - Cases ANN2604-001, RZON2604-004, VAR2604-001 - Request to Annex +/- 0.684 Acres located at 1763 Ball Ground Highway and Rezone from R-40 (County) to GC (City)

**Summary:**

Charles N. Herbert has filed an annexation and rezoning request for 1763 Ball Ground Highway. The Applicant is seeking to rezone the property from R-40 (Single-family residential, Cherokee County) to GC (General Commercial, City of Canton). The proposed use of the property is to construct a retail building and affiliated parking. A concurrent variance being requested to reduce the required buffer where City of Canton abuts unincorporated Cherokee County from 50' to 25'. The parcel south of the subject property is currently zoned GC in the City and has an active LDP for a convenience store with gas pumps. The Applicant seeks to annex this parcel to create one unified project.

**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 recommendation will be presented at the action meeting on June 4, 2026.

**Reviews:**

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

**Attachments:**

Staff Report  
Application  
LOI  
Site plans



**PLANNING & ZONING STAFF REPORT**

May 26, 2026

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<b>Case Numbers:</b>	ANNX2604-001, RZON2604-004, VAR2604-001
<b>Applicant:</b>	Charles R. Herbert, III, P.E.
<b>Owner:</b>	Suresh Manikonda
<b>Property Address:</b>	1763 Ball Ground Highway Canton, GA 30114
<b>Council Ward:</b>	Ward 2 – Tolan/Roach (upon annexation)
<b>Parcel Number:</b>	14N22B 013 (14-0227-0009)
<b>Current Zoning:</b>	R-40 (Single-Family Residential), Cherokee County
<b>Proposed Zoning:</b>	GC (General Commercial), City of Canton
<b>Character Area/ Future Land Use:</b>	Employment Center
<b>Acreage:</b>	+/- 0.684 acres
<b>Proposed Use:</b>	Appx. 6,750 SF. Retail building and parking

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REQUEST

The Applicant seeks to annex +/- 0.684 acres of property located at 1763 Ball Ground Highway into the City of Canton. Additionally, the Applicant seeks to re-zone the property from County R-40 to City GC (General Commercial). A concurrent variance is being sought to reduce the required buffer where City of Canton abuts unincorporated Cherokee County from 50' to 25'. The intent of the annexation and rezoning is to construct an approximately 6,750 square foot retail building and affiliated parking.

SITE

The subject property is located at the southwest corner of Ball Ground Highway and Diana Drive, north of the intersection with River Pointe Parkway. The property is currently vacant and undeveloped. A residential structure once existed on the property but was demolished around 2015.

The Applicant is the engineer-of-record for the parcel to the south which is currently in the permitting process for a convenience store with gas pumps. This parcel is currently zoned

General Commercial and is within the City limits. The Applicant’s intent is to combine the two parcels to create one single cohesive development. Access to the southern parcel is proposed via Ball Ground Highway and inter-parcel access to the Bojangles restaurant.

The Applicant is seeking a concurrent variance from Table 103-1 to reduce the landscape buffer requirement where GC abuts Cherokee County from 50’ to 25’. On September 10, 2024, the Board of Appeals granted the same variance as requested to the parcel to the south which the Applicant seeks to combine with.

SURROUNDING USES

North	Single-family detached residential	R-40 (Cherokee County)
South	General commercial uses	GC
East	Vacant	GC
West	Single-family detached residential, automobile sales & repair	R-40 (County), GC (City)

ANNEXATION

This annexation and rezoning application was heard by the Cherokee County Board of Commissioners at their May 5, 2026 meeting. The Board voted unanimously (5-0) to express their feedback regarding the annexation request.

The following comments were received:

- (1) The County requests that Diana Drive be upgraded to meet Cherokee County standards.
- (2) The County requests that ingress and egress be a right-in and right-out access onto Ball Ground Highway.
- (3) Fire and Emergency Services suggest further consideration of the radius for fire truck apparatus turnaround.
- (4) Fire and Emergency Services expresses concern with the capability of the fire truck to move through the S-curve leading to Diana Drive.

Consider the following criteria as it pertains to proposed annexations:

1. *Whether the property considered for annexation is within the City of Canton Growth Boundary Agreement area.*

The property is located within the City of Canton Growth Boundary Agreement area.

2. *Whether the property considered for annexation is within the City of Canton Utility Services Areas.*

The property is not located within the City of Canton’s Water or Sanitary Sewer Service Areas. Water and sanitary sewer is available and is provided by Cherokee County Water and Sewerage Authority (CCWSA).

## REZONING

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

1. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

The Subject Property is currently vacant. There are existing uses similar to those proposed along Ball Ground Highway and Riverstone Parkway. South of the property is the River Pointe shopping center which contains a national big-box store, restaurants, office, and other general commercial uses.

2. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

The Subject Property is located within an established commercial corridor. The proposed development is not likely to adversely affect the existing use of adjacent or nearby property. Should the concurrent variance be approved, a 25' densely planted landscape buffer will be required where the property abuts unincorporated Cherokee County.

3. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

The Subject Property is restricted to use as a single-family detached residence under its current R-40 (County) zoning designation. The Property's location along the corridor and adjacency to existing commercial development may limit the long-term viability and desirability of low-density residential use.

4. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

The Subject Property is located along an arterial highway which maintains sufficient capacity for the proposed use. Diana Drive will require operational and capacity improvements to accommodate an entrance/exit along that roadway.

5. *Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map.*

The Subject Property is located within the Employment Center Character Area, which supports mixed-use commercial, office, institutional, and light industrial uses.

6. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting ground for either approval or disapproval of the zoning proposal.*

The Subject Property is located along the Ball Ground Highway/Riverstone Parkway corridor which consists of predominantly commercial uses. The River Pointe shopping center is located just southeast of the Subject Property and offers a mixture of commercial and office uses. The zoning proposal is consistent with this established development pattern which has existed since the late 1990s.

7. *Whether the zoning proposal will adversely affect historic buildings, site, districts, or archaeological resources.*

There are no known historic sites or archaeological resources within the Subject Property.

8. *Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Area, and any Overlay Districts.*

The Subject Property is located along a Corridor of Influence and is therefore subject to the Overlay Zone Community Standards Ordinance. The design of the building and any future exterior modifications to the building will be required to be reviewed and approved by the Canton Design Review Team. City ordinances additionally require all convenience stores with gas pumps (aka. gas stations) to be constructed of entirely brick and/or stone. Likewise, the supports for the gas canopy are additionally required to be constructed of entirely brick and/or stone.

#### DEPARTMENT COMMENTS

##### Fire:

- An NFPA 13 automatic sprinkler system will be required if over 3,500 sq. ft.

##### Engineering/Development/Utilities/Transportation:

- They are showing access through the gas station site, but that is where the gas station's stormwater is located.
- Access to Diana Drive requires Cherokee County approval
- Water and sewer are provided by CCWSA.

##### Planning & Zoning:

- This property is located within the Growth Boundary established by the City of Canton and Cherokee County. The Boundary establishes a geographic area of properties that are generally seen as appropriate for annexation.
- Should this property be annexed, a new land disturbance review will be required to include this parcel with the one to the south.

#### RECOMMENDATION

A recommendation will be presented to the Mayor and City Council at the Action meeting on July 2.







DAVIS ENGINEERING  
& SURVEYING

Est. 2009

CIVIL ENGINEERING | LAND SURVEYING | CONSTRUCTION LAYOUT

April 8, 2026  
City of Canton Community Development Department  
110 Academy Street  
Canton, GA 30114

Re: Annexation and Rezoning Request  
Property Address: 1763 Ball Ground Highway, Canton, GA 30114  
Parcel ID: 14-0227-0009 (TIN: 14N22B013)  
Acreage: ±0.684 Acres

To Whom It May Concern,

On behalf of the Owner, please accept this Letter of Intent in support of the request to annex and rezone the above-referenced ±0.684-acre property from R-40 (Single-Family Residential) in Cherokee County to General Commercial (GC) within the City of Canton.

The subject property is currently undeveloped and is located along Ball Ground Highway, a corridor that has experienced increasing commercial growth and development. The intent of this request is to incorporate the parcel into an adjacent commercially planned development, which includes a fuel station and potential retail uses. This expansion will allow for a cohesive and well-integrated commercial project that provides services to the surrounding community.

The proposed rezoning is compatible with surrounding properties, as the area includes a mix of residential and commercial uses, with nearby parcels already zoned General Commercial within the City limits. The request will align the subject property with the existing development pattern and create a more consistent zoning framework along this corridor. The development will serve as an appropriate transition between residential uses and more intensive commercial activity.

The project is expected to have a positive effect on surrounding properties by converting an undeveloped parcel into a productive commercial use. The addition of neighborhood-serving commercial services will enhance convenience for nearby residents and contribute to the overall economic vitality of the area. No adverse impacts to adjacent properties are anticipated.

As currently zoned, the property has limited reasonable economic use due to its size, location along a major roadway, and proximity to existing commercial development. Residential use is not practical under these conditions. The proposed General Commercial zoning will allow the property to be developed in a manner that is both economically viable and consistent with surrounding land uses.

The proposed development is anticipated to generate traffic consistent with a fuel station and small-scale retail use. The site has direct access to Ball Ground Highway, which is designed to accommodate such traffic volumes. Water and sewer services will be provided by connection to existing infrastructure operated by the Cherokee County Water and Sewer Authority (CCWSA), including an existing 16-inch water main. The development is not expected to place a significant burden on existing utilities.

Because the proposal is commercial in nature, it will not generate residential population and therefore will have no impact on local school capacity.

The request is consistent with the City of Canton's Comprehensive Plan, as it supports commercial development along major transportation corridors, promotes economic growth, and expands access to

goods and services for the community. Additionally, the proposal aligns with the City's Roadmap of Success by encouraging responsible growth and compatible land use patterns.

The surrounding area is experiencing continued growth and transition toward commercial development, particularly along Ball Ground Highway. The adjacent property has already received approvals for a similar commercial use, and this request represents a logical extension of that development. These existing and changing conditions further support the proposed annexation and rezoning.

In summary, the proposed request represents a reasonable and appropriate use of the property that is consistent with surrounding development patterns and the City's long-term planning goals. The project will enhance the area by providing needed services, improving land utilization, and contributing to the local economy.

Thank you for considering this application. We welcome the opportunity to discuss the proposal in more detail and provide any additional information as needed. Please feel free to contact us at 706.265.1234 or [submittals@davisengineers.com](mailto:submittals@davisengineers.com).

Sincerely,

*Charles N. Herbert III, P.E.*



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

PUBLIC HEARING APPLICATION

Project #(s):

ANNX2604-001, RZON2604-004

This Application is for:

- Annexation, Rezoning, Master Plans, Master Plan Amendment, Conditional Use Permit, Land Use Modification, Zoning Condition Amendment, Density Transfer within Master Plan, Temporary Use Permit, Zoning Ordinance Text Amendment, Appeal, Adjustment, Special Exception

- 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: Charles N. Herbert, III. P.E.
Address: 24 Dawson Village Way S
City: Dawsonville
State: Ga ZIP Code: 30534
Telephone: 706-265-1234
Email Address: oherbert@davisengineers.com

Owner Information:

Name: Suresh Manikonda
Address: 4025 Phillipsite Ln
City: Cumming
State: GA ZIP Code: 30040
Telephone: 4044224816
Email Address: manikonda1@yahoo.com

I, Charles N. Herbert III. P.E., 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, Charles N. Herbert III. P.E., have received and thoroughly read the Public Hearing Procedures.

This 31st day of March, 2026.

Applicant Signature: Charles N. Herbert, III. Print Name: Charles N. Herbert, III. P.E.



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

### AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): ANNX2604-001, RZON2604-004

This form is to be executed under oath. I, Suresh Manikonda, 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 28 day of March, 2026.

Owner Signature: [Signature] Print Name: Suresh Manikonda

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

Name of Authorized Applicant: Charles N. Herbert, III, P.E.

Signature: [Signature]

Mailing Address: 24 Dawson Village Way S

City: Dawsonville

State: Ga Zip Code: 30534

Telephone: 706-265-1234

E-mail: oherbert@davisengineers.com

#### Applicant Status:

- Owner
- Option to Purchase
- Leasee
- Area Resident
- Other (Explain): Civil Engineer/Project Manager

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 28th Day Of MARCH, 2026.

Notary Signature: [Signature]





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

# DISCLOSURE FORM

**Project #(s):**  
ANNX2604-001, RZON2604-004

**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: Charles N. Herbert, III. P.E.

## 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):**

\_\_\_\_\_

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
\$	_____
\$	_____
\$	_____



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

## PROPERTY INFORMATION

**Project #(s):**

**ANNX2604-001, RZON2604-004**

Address: 1763 Ball Ground Hwy, Canton, Ga 30114

Land Lot(s): 0227 District: 14 Section: N/A Parcel ID(s) TIN: 14N22B 013  
PIN: 14-0227-0009

Existing Zoning Of Property: R40  City  County Total Acreage Of Property: 0.68

Proposed Zoning Of Property: GC Existing Use(s) Of Property Vacant

## 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
<b>NORTH</b>	N/F LARA MEJIA ZAID EDEN / TIN:14N22B 014	R40	None
<b>SOUTH</b>	N/F 1671 BALLGROUND HWY LLC / TIN: 14N22B 002	GC	None
<b>EAST</b>	N/F ACKBARZADEH PAUL M / TIN: 14N22B 021	R40	None
<b>WEST</b>	N/F LATHEM REJOHNNA D / TIN: 14N22B 033	R40	Single Family Residential
<b>OTHER</b>	N/F COCHRAN MAC H / TIN: 14N22 020	GC	None
<b>OTHER</b>			
<b>OTHER</b>			

## UTILITY INFORMATION:

How is sewage from this development to be managed? Tie to existing sewer

Proposed managing jurisdiction: Cherokee County Water and Sewer Authority (CCWSA)

How will water be provided to the site? Tie to existing water main

Proposed managing jurisdiction: CCWSA Size Limit: Existing 16" Main



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

## PUBLIC SCHOOL INFORMATION

**Project #(s):**

**ANNX2604-001, RZON2604-004**

### 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):**

**ANNX2604-001, RZON2604-004**

How will this proposal be compatible with surrounding properties? Property owner also owns southern property (TIN: 1422B 002) and already has an approved set of plans for a gas station with ties to existing water and sewer owned by CCWSA and wishes to expand the project to include the property in question after annexation and rezoning are approved.

How will this proposal affect the use and value of surrounding properties? There would be no changes in use to the surrounding properties and the proposed development would increase property values as an empty lot is being developed for services the local community.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not. No, as the current the property is currently zoned R40 (Single Family Residential).

What would be the increase to population and traffic if the proposal were approved? Traffic from proposed development would be that of a gas station and/or retail space.

What would be the impact to schools and utilities if the proposal were approved? No impact to school zones or utility besides changes incurred by tying to existing structures

How is the proposal consistent with the Comprehensive Plan and the Future Land Use Map? The proposed zoning would better match the existing zoning surrounding the site within the limits of the City of Canton.

How is the proposal consistent with the City of Canton Roadmap of Success? The proposed zoning change and project reflects the city's desire for economic growth, and as the property is currently undeveloped, the local residents would be gaining access to services they might not otherwise have in close proximity.

Are there existing or changing conditions which affect the development of the property and support the proposed request? The Neighboring properties within the city limits are zoned GC, so approval of annexation and rezoning would mean the property better matches the city's development plan.

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

April 13, 2026

City of Canton | Community Development Department  
110 Academy Street, Canton, GA 30114

Re: Variance Request – Type B Landscape Buffer

Property Address: 1763 Ball Ground Highway, Canton, GA 30114

Parcel ID: 14-0227-0009 (TIN: 14N22B013)

Acreage: ±0.684 Acres

To Whom It May Concern,

This letter serves as a formal request for a variance to reduce the required 50-foot buffer to a 25-foot buffer for the subject property located at 1763 Ball Ground Highway (Parcel 14-0227-0009) in the City of Canton. This request is being submitted concurrently with an annexation and rezoning application, and is consistent with a similar variance granted in 2024 for the adjacent property to the south (1671 Ball Ground Highway). The intent is to combine the two properties following approval, necessitating a consistent buffer standard across both parcels.

The subject property is currently zoned R-40 and consists of approximately 0.68 acres. It is presently vacant and characterized by steep topography and limited buildable area. Upon annexation into the City of Canton, the property line will serve as the jurisdictional boundary between the City and Cherokee County, thereby triggering the requirement for a 50-foot Type B buffer in accordance with Section 103.03.08 of the Unified Development Code.

Due to the size, shape, and topographic constraints of the property, strict application of the 50-foot buffer requirement would create an unnecessary hardship by significantly limiting the usable area for development and restricting the ability to implement necessary infrastructure. The steep terrain further compounds these limitations, making it difficult to design a functional and compliant site without the requested relief.

The requested variance is consistent with the previously approved buffer reduction for the adjacent parcel, which will ultimately be combined with this property. Granting this variance will allow for cohesive site planning and development across both parcels while maintaining compatibility with surrounding properties. Additionally, the reduction in buffer width will not adversely impact adjacent properties or the general public. The surrounding area includes a mix of residential and commercial uses, and appropriate design measures will be implemented to ensure minimal visual and operational impact.

The condition prompting this variance request is not the result of any action by the applicant, but rather is inherent to the property's physical characteristics and jurisdictional boundary conditions. Furthermore, granting this variance will not impair the intent of the Unified Development Code, nor will it negatively affect public health, safety, or welfare.

In summary, the requested variance is justified due to the unique conditions of the property, the need for consistency with the adjacent approved development, and the minimal impact to surrounding properties. We respectfully request approval to reduce the required buffer from 50 feet to 25 feet to allow for reasonable and practical use of the property.

We appreciate your consideration of this request and look forward to the opportunity to present this application at the upcoming hearing. Please do not hesitate to contact us if additional information is needed.

Sincerely,

*Charles N. Herbert, III, P.E.*



Community Development Department  
110 Academy Street, Canton, Georgia 30114  
770-704-1500

## VARIANCE APPLICATION

Project # VAR2604-001

1. **Application Requirements:** All applications must be complete and include required support materials (listed on the reverse side of this application form). Incomplete applications will not be forwarded to the Canton Board of Appeals (BOA) for review. Applications shall be submitted through the City's online permitting portal system found here: <https://canton.onlama.com/>. Two (2) paper copies should also be furnished to the Community Development Department.
2. **Pre-Submittal Meeting:** A Pre-Submittal Meeting with Community Development Staff must be scheduled by the Applicant prior to submittal of the application.
3. **Application Deadline:** Applications and support materials must be submitted by the last Monday of the month, subject to change based on City Holidays. Please refer to the schedule listed on the reverse side of this application form for deadlines and meetings.
4. **Application Representation:** The Applicant or authorized representative of the Applicant must be present at the Public Hearing to support the application.
5. **Building Permit Requirements:** If a previously submitted building permit is being held pending variance action, the building permit will only be issued upon submittal of an action letter confirming variance approval.
6. **Perpetuity:** Unless otherwise conditioned by the Canton Board of Appeals or Mayor and City Council, an approved variance is held in perpetuity with the subject property so long as the property remains in its current configuration. Future modification to the subject property as a result of assemblage or subdivision may possibly deem an approved variance null and void.
7. **Adjacent Property Notification:** Applicants are required to notify adjacent property owners of the proposed variance as required by the City of Canton Unified Development Code Section 105.10.03. Such notification shall be forwarded to all contiguous property owners and their respective homeowner's association utilizing the City of Canton formatted notification letter located in this Application. Applicants should furnish a copy of each forwarded notification letter and one copy of a certified Certificate of Mailing from the United States Postal Service to the Community Development Department no later than fifteen (15) days prior to the Public Hearing meeting.
8. **Extension and Withdrawal:** The Applicant is allowed two (2) requests for extensions beyond the scheduled Public Hearing. If the request for extension is received after the Notice of Public Hearing is published, a \$500.00 readvertising fee will be assessed for each extension. An application may be withdrawn without prejudice (no waiting time to re-file) at any time prior to the Public Hearing. A request for withdrawal without prejudice must be made in writing.
9. **Appeal:** Any party aggrieved by any decision of the Board of Appeals may appeal the decision by submitting a Letter of Appeal to the Community Development Department no later than ten (10) days after the Board of Appeals decision has been rendered. The City Council will determine whether or not to hear the appeal, and if heard, will act accordingly on the appeal. Please refer to Section 105.14.02 of the Unified Development Code for more details regarding the appeals process. Any aggrieved party of the decision of the City Council may appeal the final decision to the Cherokee County Superior Court via writ of certiorari, submitted within thirty (30) days of the final decision.

*If there are any questions about the Variance application process, procedures, or policies, please contact the Community Development Department at (770) 704-1559.*

**BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE FULLY READ AND UNDERSTAND THE ABOVE POLICIES AND PROCEDURES OF SUBMITTING A VARIANCE APPLICATION WITH THE CITY OF CANTON.**

X Charles N. Herbert, III  
APPLICANT SIGNATURE

X Charles N. Herbert, III, P.E.  
PRINT NAME



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

## VARIANCE PUBLIC HEARING APPLICATION

**Project #(s):** VAR2604-001

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: Charles N. Herbert, III. P.E.  
Address: 24 Dawson Village Way S  
City: Dawsonville  
State: GA ZIP Code: 30534  
Telephone: 706-265-1234  
Email Address: oherbert@davisengineers.com

### Owner Information:

Name: Suresh Manikonda  
Address: 4025 Phillipsite Lane  
City: Cumming  
State: GA ZIP Code: 30040  
Telephone: 404-422-4816  
Email Address: manikonda1@yahoo.com

I, Charles N. Herbert, III. P.E., 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, Charles N. Herbert, III. P.E., have received and thoroughly read the Public Hearing Procedures.

This 13 day of April, 2026.

Applicant Signature: Charles N. Herbert III Print Name: Charles N. Herbert, III. P.E.



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

### AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): **VAR2604-001**

This form is to be executed under oath. I, Suresh Manikonda, 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 9 day of April, 2026.

Owner Signature: [Signature] Print Name: Suresh Manikonda

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:**

Charles N. Herbert, III, P.E.

Signature: [Signature]

**Mailing Address:**

24 Dawson Village Way S  
City: Dawsonville  
State + ZIP: GA 30534  
Email: oherbert@davisengineers.com  
Telephone: 706-265-1234

**Applicant Status:**

- Owner
- Option to Purchase
- Lessee
- Area Resident
- Other (explain: Civil Engineer/Project Manager)

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 9 Day Of APRIL, 2026.

Notary Signature: [Signature]



[Signature]  
4-9-26



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

## PROPERTY INFORMATION

**Project #:**

**VAR2604-001**

Address(es): 1763 Ball Ground Hwy, Canton, Ga 30114

Land Lot(s): 0227 District: 14 Section: NA Parcel ID(s) 14-0227-0009

Existing Zoning Of Property: R40  City  County Total Acreage Of Property: 0.68

Existing Use(s) Of Property Vacant

### 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
<b>NORTH</b>	N/F LARA MEJIA ZAID EDEN / TIN:14N22B 014	R40	NONE
<b>SOUTH</b>	N/F 1671 BALLGROUND HWY LLC/ TIN: 14N22B-002	GC	NONE
<b>EAST</b>	N/F ACKBARZADEH PAUL M / TIN: 14N22B 021	R40	NONE
<b>WEST</b>	N/F LATHEM REJOHNNNA D / TIN: 14N22B 033	R40	Single Family Residential
<b>OTHER</b>	N/F COCHRAN MAC H / TIN: 14N22 020	GC	NONE
<b>OTHER</b>			
<b>OTHER</b>			

Ordinance section(s) for which a variance is requested: 103.03.08 - Landscape Type B 50 foot buffer, requesting to be reduced to 25 feet

Please explain the reasoning for the requested variance:

The subject property, located at 1763 Ball Ground Highway (Parcel 14-0227-0009), is required to maintain a 50-foot buffer along the boundary abutting Cherokee County. This request seeks a variance to reduce the required buffer from 50 feet to 25 feet. A similar variance was granted in 2024 for the adjacent property to the south (1671 Ball Ground Highway), allowing a reduction of the buffer to 25 feet. This request is consistent with that prior approval and is intended to allow for reasonable use and development of the subject property while maintaining compatibility with surrounding properties. The variance is being requested concurrently with the associated AX/RZ application.

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



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# VARIANCE REVIEW CRITERIA

**Project #:**  
VAR2604-001

Are there any extraordinary or exceptional conditions pertaining to the subject property because of its size, shape, or topography? The site contains steep topography on a small lot that restricts the installation of needed infrastructure.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? When the Property is annexed into the city it will require a 50' buffer as the property line will serve as the new boarder between the City of Canton and Cherokee County which leaves little usable building area.

Does a literal interpretation of the Zoning code deprive the Applicant of any rights that others in the same district are allowed? No, it does not.

Has the condition from which relief or variance is sought been a result from action by the Applicant? No, the applicant has performed no work on site.

Are there conditions peculiar to the subject property? Yes, the steep terrain of the property and the fact that it will serve as the new city limits. Please note that the adjoining property this parcel will be combined with, after the rezoning and annexation is approved, already has a variance for a buffer reduction from 50' to 25'.

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, the variance would pose no impairment on the city, or its residents.

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

# Cherokee County



## PLANNING AND ZONING

May 8, 2026

Tyler Peoples  
City Planner  
City of Canton  
110 Academy Street  
Canton, GA 30114

RE: ANNX2604-001: 1763 Ball Ground Highway (14N22B 013)

Dear Mr. Peoples:

The annexation case ANNX2604-001 was on the agenda of the Cherokee County Board of Commissioners Meeting on May 5, 2026. The applicant is requesting to annex and rezone a parcel totaling 0.684 +/- acres along Ball Ground Highway from R-40 (Cherokee County) to GC (City of Canton). The proposed development is a 6,850 square-foot retail building and associated parking.

The Board of Commissioners voted unanimously (5-0) to express their feedback regarding the proposed project:

1. The county requests that Diana Drive be upgraded to meet Cherokee County standards.
2. The county requests that the ingress and egress be a right in and right out access onto Ball Ground Highway.
3. Fire and Emergency Services suggest further consideration of the radius for the fire truck apparatus turnaround.
4. Fire and Emergency Services expresses concern with the capability of the fire truck to move through the S-curve leading to Diana Drive.

The staff analysis is included as an attachment and provides further details. Please reach out should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Catherine Long". The signature is written in a cursive, flowing style.

Catherine Long  
Planning Division Manager



# STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

5/2026

Per O.C.G.A. § 36-3613 (set forth in full at the end of this document for your ease of reference), a land use objection can be made by majority vote of the Board of Commissioners in the event of a material increase in burden upon the County which is quantifiable and otherwise meets the requirements of the statute. In order for a land use objection to be considered timely, it must be completed in time for the BOC to vote upon it in open session and served upon the annexing municipality within 45 days of receipt of notice of annexation via statutory overnight delivery or certified mail, return receipt requested.

City	Canton		
Case Number	ANNX2604-001	Applicant	Charles N. Herbert III, PE
Receipt of Certified Annexation Notice		04/13/2026	
Canton City Council Public Hearing		06/04/2025	
Meeting date the Board of Commissioners must decide whether to object (45 days)		05/27/2026	
Canton City Council Decision		07/02/2026	

Staff are requested to review the application for annexation and provide a response to the following questions.

	Yes	No
Is the property to be annexed contiguous to city jurisdictional boundary?	X	
Future Development Map designation	Workplace Center	
Surrounding / Contiguous City Future Development Map	Employment Center	
Surrounding County Future Development Map	Workplace Center	
Does this annexation create an "island" of unincorporated land?		X

1) If the application is granted will there be a material increase in burden upon the County directly related to:		
	Yes	No
a) the proposed change in zoning or land use?		X
b) the proposed increase in density?		X
c) infrastructure demands related to the proposed change in zoning or land use?		X
2) Will delivery of services be affected by the annexation?		
		X

If the answer to (2) is yes, is the affect on delivery of services directly related to

a) the proposed change in zoning or land use?

b) the proposed increase in density?

c) infrastructure demands related to the proposed change in zoning or land use?

Note: Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in items (a), (b), and/or (c) of Section 1 above.

3) If there is a material increase in burden caused by items (a), (b), and/or (c) of Section 1 above, can your department provide evidence of any financial impact?

Yes No

If the answer to (3) is yes, please provide the evidence

4) Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?

Yes No

X

If the answer to (4) is no, does the proposed change in zoning or land use result in:

a) a use which significantly increases the net cost of infrastructure?

Yes No

X

b) a use which significantly diminishes the value or useful life of a capital outlay project, as such term is defined in O.C.G.A. 48-8-110, which is furnished by the county to the area to be annexed?

X

If the answer to 4(a) or 4(b) is yes, then:

Yes No

c) Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan?

d) Does the proposed change in zoning or land use differ substantially from the existing uses permitted for the property pursuant to the county's zoning ordinance or its land use ordinances?

Comments:

Planning and Zoning

- The property is within the growth boundary agreement.
- The applicant is seeking a concurrent variance to reduce the required 50' buffer, when Canton city limits abuts unincorporated Cherokee County, to 25'.

Transportation

- Diana Drive should be updated to meet the minimum County standards.
- The ingress and egress should be a right in and right out access onto Ball Ground Highway.
- A left turn lane may be needed on Diana Drive.

Fire and Emergency Services

- The radius must meet the requirements for the fire truck turnaround.
- The fire truck may be challenged by the S-curve leading into Diana Drive.

**O.C.G.A. § 36-36-113. Reasons for objection to annexation**

(a) The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in [Code Section 36-36-111](#).

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

(1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in [Code Section 48-8-110](#), which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

