

**Action Requested/Required:**

- ☐ Vote/Action Requested
☐ Discussion or Presentation Only
☒ Public Hearing
Report Date: 8/28/24
Hearing Date: 9/5/24
Voting Date: _____

Department: Community Development **Presenter(s) & Title:** Steve Green, Zoning Administrator

Agenda Item Title:

Appeal of Board of Appeals denial for requested variances - VAR2405-001, request to reduce required buffer from 50' to 10', VAR2405-002, request to reduce required building setback along external property lines from 50' to 10', VAR2405-003, request to place sidewalk along one side of streets, VAR2405-004, request to reduce beauty strip from 2' to 1', VAR2405-005, request to eliminate required gates on a private street - 201 Hospital Road

Summary:

The Board of Appeals (BOA) met on June 10, 2024 and heard a series of appeals filed by Eastwood Homes of Georgia, LLC. The applicant seeks to build 49 townhomes on the property formerly used as the parking area for the old Northside Hospital. The applicant is requesting to reduce the required buffer from 50' to 10', reduce the required setback along the external property lines from 50' to 10', place sidewalks along one side of the street only, reduce the beauty strip from 2' to 1' and eliminate the required gates on a private street. The applicant is only appealing two of the denials, the 50' buffer reduction and the 50' building setback requirement. The BOA denied all five requested variances. The Unified Development Code requires the applicant to first petition the Mayor and City Council to hear an appeal of the denials. If the Mayor and City Council decides to hear the appeal a public hearing will be scheduled. If the Mayor and City Council decides not to hear the appeal the applicant then has the ability to take their appeal to the Superior Court of Cherokee County.

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:**Reviews:**

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

Attachments:

Appeal letter
Applications VAR2405-001 and 002
Action letter

Variance Appeal Letter

To whom it may concern,

Eastwood Homes is pursuing the purchase of a 4.5+/- acre parcel of land that was once a part of the old Northside Hospital. As you may be aware, an apartment developer recently rezoned and purchased the site which is currently in development. The apartment developer is currently in the process of splitting off the northern portion of the site to potentially sell to Eastwood Homes who plans to build townhouses. The apartments and townhouses will be two separate developments.

After (3) predevelopment meetings, other consultations with staff, and various site plan drafts, Eastwood created a site plan based on staff's comments, recommendations, and preferences which is attached. The site plan utilizes all (5) of the submitted variance applications, which were all discussed in the last predevelopment meeting. The variances include the following:

1. Reduce the landscape buffer from 50' to 10'
2. Reduce the setback buffer from 50' to 20'
3. Remove the requirement for sidewalks on both sides of internal streets.
4. Reduce the landscape strip from 2' to 1' to maintain a 5' sidewalk throughout the site. (recommended by staff)
5. Remove the requirement for private roads to be gated.

The variance applications were filed at the beginning of May and the public hearing was June 10th. Representatives from Eastwood and the property owner attended in support. Eastwood's engineer was also in attendance to answer any specific technical questions per the request of the Board Members, but during the hearing the board who obviously had several questions did not invite the engineer to the stand to explain the technicals.

Eastwood also consulted with the Landscape Architect you designed the landscape plan for the apartments to determine options for landscaping, and assessed the a 10' built landscape buffer can achieve similar screening effect as the minimum requirements for the 50' buffer in order to achieve the same intent as outline in the code while providing more engineering and landscape flexibility. For example: a landscape buffer can only have landscaping and no infrastructure, where as a setback buffer provides the flexibility to have both landscaping and infrastructure. This provides more site flexibility to interchange infrastructure and landscaping where applicable on the site. Other examples of impact include staff preferred driveway lengths as there in no minimum requirement for the property's current zoning, integration of the proposed development into the existing neighborhood for which all the existing homes front public roads with average setbacks of 10-20'.

There are certainly a variety of reasons we requested variances 3, 4, and 5. However, the applicant has decided not to pursue an appeal on those items, and only wishes to appeal variances 1 and 2 (landscape buffer and setback buffer). If the requested landscape and setback buffers will not be applied for the entire townhouse site per the site plan, the applicant wishes to discuss what options may be available for compromise on any reduction or to specific areas of the site. The applicant believes that the proposed variances will allow for superior site that integrates the new development into the existing community both aesthetically and functionally, etc.

Sincerely,

Nick Whitson, Land Acquisitions Manager

Eastwood Homes of GA



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Public Hearing Application

Project # VAR2405-001

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. Please make your check payable to "City of Canton."
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I, Eastwood Homes of GA LLC, 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, Eastwood Homes of GA LLC, have received and thoroughly read the Public Hearing Procedures.

Applicant: Nick Whitson This 1 day of May, 20 24.
Print Name: Nick Whitson for Eastwood Homes Atlanta Div.

Applicant Information:

Name: Eastwood Homes of GA LLC (POC - Nick Whitson)
Address: 1000 Mansell Exchange West, Building 350
City: Alpharetta
State: GA Zip Code: 30040
Telephone: 404-661-4040
Fax Number: n/a
Email Address: nwhitson@eastwoodhomes.com

Owner Information:

Name: Accent Canton Atlanta LP (POC - Matt Ross)
Address: 1100 Peachtree St
City: Atlanta
State: GA Zip Code: 30309
Telephone: 770-778-7293
Fax Number: _____
Email Address: m.ross@westplan.com

This Application For (Check Only One):

- | | |
|--|---|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | ☒ K Variance : Pre-Construction |
| ☐ D Master Plan Revisions | ☐ K Variance : Post-Construction |
| ☐ E Conditional Use Permit | ☐ Appeal |
| ☐ F Land Use Modification | |
| ☒ G Zoning Condition Amendment | ☐ Adjustment |
| ☐ H Density Transfer within Master Plan | ☐ Special Exception |

Fee Schedule:

Application Type _____
Base Fee _____ + (#Acres _____ x \$25.00 = _____) = _____
+ (#Acres _____ x \$50.00 = _____) = _____
Advertising Fee _____ = _____

Staff Use Only

Amount Due: _____
Amount Due: _____
Total Fee: _____

Received By: _____

Date: _____

Amount Paid: _____



Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

Authorization Of Property Owner

This form is to be executed under oath. I, Accent Canton Atlanta, LP, 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 15 day of May, 2024.

Owner Signature: R. Carter Print Name: Rob Carter
on behalf of Accent Canton Atlanta LP
as manager

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

- | | |
|---|--|
| ☐ A Annexation | ☒ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☐ E Conditional Use Permit | ☒ K Variance |
| ☐ F Land Use Modification | |

Sworn To and Subscribed Before Me This 15 Day Of May, 2024.

Notary Signature

Sharon R. Chandler (Seal)

Sharon R Chandler
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires December 6, 2025



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Authorization Of Applicant

This form is to be executed under oath. I, Accent Canton Atlanta LP, 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 1 day of May, 20 24.

Owner Signature:

R. Carter
on behalf of Accent Canton Atlanta LP
as Manager

Print Name:

R. Carter

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- ☐ A Annexation
- ☐ B Rezoning
- ☐ C Master Plans
- ☐ D Master Plan Revisions
- ☐ E Conditional Use Permit
- ☐ F Land Use Modification

- ☒ G Zoning Condition Amendment
- ☐ H Density Transfer within Master Plan
- ☐ I Temporary Use Permit
- ☐ J Zoning Ordinance Text Amendment
- ☒ K Variance

Name of Authorized Applicant: Nick Whitson for Eastwood Homes of Georgia, LLC

Signature:

Nick Whitson

Mailing Address: 1000 Mansell Exchange West

Building 350

City: Alpharetta

State: GA

Zip Code: 30022

Telephone: 404-661-4040 (C) 248-444-1044 (O)

Fax Number: NA

E-mail: NWhitson@eastwoodhomes.com

Applicant Status:

- ☐ Owner
- ☒ Option to Purchase
- ☐ Lessee
- ☐ Area Resident
- ☐ Other (Explain): _____

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

Sworn To and Subscribed Before Me This 1 Day Of May, 20 2024.

Notary Signature:

Sharon R. Chandler

www.cantonga.gov

3

Sharon R Chandler
NOTARY PUBLIC
Cobb County
State of Georgia

My Comm. Expires December 6, 2025



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Disclosure Form

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.

1. Name of Applicant/Opponent: Nick Whiten for Pleasant Grove Homes of Georgia, LLC

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 Planning Commission or the City of Canton Mayor and 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):

N/A

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

\$	
\$	
\$	

Note: Complete a separate form for each authorized applicant.



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

Property Information:

Address: 201 Hospital Road, Canton, GA 30114
Land Lot(s): 148 District: 14th Section: 2nd Map #: 91N03 Parcel #: 23
Existing Zoning Of Property: PD-Mixed Use ☒ City ☐ County Total Acreage Of Property: 17.85 (4.378 Townhome Tract)
Proposed Zoning Of Property: n/a Existing Use(s) Of Property: Vacant
Directions to property from Main Street in downtown Canton:
North street to Waleska Street, left on Riverstone Pkwy, right onto Hospital Drive, parcel is on the left.

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/ADDRESS	CURRENT ZONING	CURRENT LAND USE
NORTH	<u>EDSS Realty LLC 271 Hospital Rd</u>	<u>O-I</u>	<u>TNRA-Traditional Neighborhood Resdev</u>
	<u>Delong-Vickers LLC 200 Medical Ln</u>	<u>O-I</u>	
SOUTH	<u>Accent Canton Atlanta LP 201 Hospital Rd</u>	<u>PD-MU</u>	<u>TNRA</u>
EAST	<u>100 Medical Ln Edge Park Estate I LLC</u>	<u>O-I</u>	
	<u>50 John A. Cagle</u>		
	<u>211 Accent Canton Atlanta LP</u>	<u>PD-MU</u>	
WEST	<u>Lorenzo, Carlos Juan 230 Hospital Rd</u>	<u>O-RT</u>	
(across street)	<u>Fortwest LLC 250-260 Hospital Rd</u>		
OTHER			

UTILITY INFORMATION

How is sewage from this development to be managed? Sanitary Sewer System
Proposed managing jurisdiction: City of Canton
How will water be provided to the site? Public Water
Proposed managing jurisdiction: City of Canton Size Limit: _____



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

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 Board 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. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. 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. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School
MIDDLE Tearley Middle School
ELEMENTARY RM Moore

TRAFFIC INFORMATION

Road/Street providing access: Hospital Rd and Hospital Dr (Mary Lane extension)

Width at property: (Road) 24' (Right-of-way) 50'

Distance to nearest major thoroughfare: 1/375' Thoroughfare Name: Waleska Rd
1/162' Riverston Parkway

Description of Road accessing property (Classification): local

In support of this request, I submit the following items, which are attached and made a part of this application:

- ☒ Boundary Survey
- ☒ Legal Description
- ☒ Letter of Intent
- ☐ Traffic Analysis Report

- ☒ Master Plan / Site Plan
- ☒ Location Map
- ☐ Hydrology Study

(Guidelines available from Planning & Zoning Dept.)

- ☐ Board of Appeals Review Criteria Response
- ☐ Petition Requesting Annexation
- ☐ Other (please explain) _____
- ☐ Elevation Plans



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

Canton Board of Appeals Review Criteria

Article II, Section 8-8-II-195 empowers the Board of Appeals to authorize variances from provisions of the Zoning Code pursuant to a finding based in the criteria listed below. Please respond to the following.

(Applications Type K : ONLY)

Are there any extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography? The shape of the property along with multiple road

frontages, and code standards create a lack of design and engineering flexibility.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary

hardship? Yes, limit design flexibility whereas the underlying intent of the code can be achieved with the approval of the requested variances.

Has the condition from which relief or variance is sought been a result from action by the applicant? No

Are there conditions peculiar to the subject property? Yes

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

Provide a Letter of Intent, which provides the necessary information to support your application for Variance.

LETTER OF INTENT

Variance Application

Applicant:
Eastwood Homes of Georgia, LLC

Property:
201 Hospital Road, Canton GA (Townhome Tract - 4.378 acres)

Parcel ID:
14-0168-0118

Submitted for Applicant by:

Nick Whitson for Eastwood Homes of Georgia, LLC
1000 Mansell Exchange W, Suite 350
Alpharetta, GA 30022

TABLE OF CONTENTS & MATERIALS

LETTER OF INTENT.....	pg.3-4
LIST OF REQUESTED VARIANCES.....	pg.5-9

INTRODUCTION

Applicant, Eastwood Homes of Georgia, LLC, files this Letter of Intent in support of the Variance Application for the, "Townhome Tract," which is a 4.378 acre tract of the total 17.85 acre Mixed-Use Planned Development known as, "Accent Canton," which was the former location of the Northside Hospital-Cherokee near Riverstone Parkway and Waleska Road. PIN: 14-0168-0118.

The surrounding area includes a mixture of multifamily and single family residential, office, parks, and nearby commercial along Riverstone Pkwy. The redevelopment of this site will enhance the area by providing greater pedestrian connectivity and a vibrant place for people to live near the Etowah River, surrounding parks, and intown Canton.

Since 1962, the property was generally used for a hospital and associated medical uses, first as R.T Jones Regional Hospital and later Northside Hospital-Cherokee. In light of the growing population and need for additional space, Northside constructed a new state of the art facility. The existing buildings were demolished and the site has been vacant with a significant area of paving and no beneficial use.

The site was recently rezoned from SU (Special Use) to PD-MU (Planned Development - Mixed Use) and acquired by Accent Canton Atlanta LP. The site was approved for the development of 260 apartments and 50 townhomes. A Traffic Analysis was conducted at the time of the rezoning, and we don't foresee any negative or significant impact on traffic due to our variance request(s). The, "Townhome Tract," does lack some design and engineering flexibility due to its shape paired with certain nuances of the development code's minimum requirements, which include but are not limited to: buffers, setbacks, and other development regulations. Thus, the application seeks the following variance requests in order to balance design and engineering flexibility for sustainable and practical development with comfort, safety, and our interpretation of the underlying intention of codes

for which are seeking variances.

The City of Canton's Housing Needs Assessment identified the need for quality housing in the City and identified this former Northside Hospital site as a desirable residential development site. The variance(s) proposed for the Townhouse Tract will balance practical development and design flexibility with safety and comfort guidelines aligning with the city's guidelines for sustainable and practical development, as outlined in the Unified Development Code.

LIST OF REQUESTED VARIANCES & DETAILS

1. Landscape Variance:

- **Request:** Landscape Variance - Section 103.03.07-10 - Remove the requirement for a 50' Landscape Buffer between the PD-MU and O-I Zoned properties at the northern borders of the Townhome development, which all share the same Future Land Use (FLU) Traditional Neighborhood Redevelopment Area (TNRA) in exchange for a 10' Built Landscape Buffer as depicted in the proposed site plan.
- **Justification:** A dense landscape plan within a 10-foot *built* buffer can achieve a similar effect and aesthetics as a 50-foot vegetative buffer, albeit with some considerations. Starting with the foundation of a *built* buffer, fencing. A privacy fence achieves multiple objectives from the code 103.03.07, "to reduce the effects of headlight glare, noise, and other objectionable activities," will create a complete visual barrier between the parking lot of 321 Hospital Drive and the proposed residential development which is now only separate by an old chain link fence, and also on the opposite side of the development between 50 Medical Ln and the development where there is currently no fencing or visual barrier. A privacy fence maximizes visual screening at eye level while maintaining little impact in a buffer in order to preserve room for layers of dense vegetative landscaping. The next few layers of our proposed *built* buffer will further create an appealing and dense landscape buffer between the two properties within the proposed 10 foot *built* landscape buffer. These additional layers to our *built* buffer involve a mixture of carefully chosen understory evergreen and oriental shrubs and trees that provide both vertical and horizontal coverage with <15 foot to 30 foot on center spacing. Followed by the third layer, a variety of evergreen and streetscaping canopy trees on the standard 50 foot center on center. The closer spacing of the plants behind the fence within the proposed 10-foot *built* buffer will create a more lush appearance. The combination of all these elements of our *built* buffer will create a dense layered year-round aesthetically pleasing barrier between the proposed residential development and office/commercial parcels to the north of the site. This concept of a 10' built landscape buffer was inspired with the assistance of an Engineer and Landscape Architect based on sections of the Canton code and approved tree species.

In addition to the proposed 10' built landscape buffer along the north and eastern property lines as shown in on our proposed site plan, we can also use the setback areas and open space in our proposed site plan for additional landscaping and tree planting as units 16-21 and 22-29 are roughly 40+ feet away from the property line. And units 30-39 are even further off the eastern property line, offering additional greenspace on the eastern side of the internal road as seen in our site plan which will feel very much like the underlying intention of a standard buffer on a significant portion of the site. *For images of existing and proposed conditions, see the colored site plan, elevations, and examples of proposed buffers.*

Other areas that will feel different with a smaller landscape buffer than originally planned, but possibly more aesthetically cohesive with the community, will be units 1-15 along the west side of the site as those units will front Hospital Rd. This will feel similar to units 22-29 fronting the Mary Lane extension that have a 10 foot setback. We made this adjustment after our first pre-development meeting to create a more inviting thoroughfare along Hospital Road as per recommendations during that meeting from Billy Peppers when discussing pedestrian accessibility to the broader community. We intend for units 1-15 to be closer to the street and have standard streetscaping, which we believe will promote greater pedestrian use and connectivity with the broader community. The zoning across the street from these western facing units is O-RT (office/residential transition) and is currently a combination of residential all fronting public roads, one medical office located at 260 Hospital Rd, and a pocket park at the southwest corner of Mary Lane and Hospital Rd. So, the concept of units 1-15 fronting Hospital Rd with a closer set back to the street should feel cohesive with the surrounding properties and their uses.

In summary, our proposal for a reduction of the 50 foot landscape buffer to a 10 foot *built* landscape buffer will include a combination of a privacy fence and a variety of vegetation to maximize screening and the underlying intentions of the city's Landscape Buffer ordinance while maintaining flexibility for site planning and engineering between the existing properties and the proposed residential site. And not to forget, while the buffer will technically be reduced, this proposed variance will allow greater design flexibility to give us the opportunity to create additional greenspace and

planting as desired along the immediately adjacent properties where landscaping will have the most impact aesthetically and as a buffer.

2. Setback Variance:

- **Request:** Setback Variance - This is a Variance for Zoning Condition #5 of Case Z2106-003 - "Building setbacks shall be 50' from external property lines unless a variance is granted by the Board of Appeals." Request variance to reduce 50' setback to 20'.
- **Justification:** This variance request goes hand in hand with the landscape buffer variance request. The setback variance aims to enhance engineering and site planning flexibility while maintaining a fair distance from the property boundary. It allows for a more adaptable design, accommodating stormwater management systems, transportation networks, landscape design, and pedestrian-friendly spaces which is crucial for the viability of the proposed development and necessary engineering design. As noted in the previous landscape buffer variance request, the reduced setback will work hand in hand with this proposed setback variance to facilitate a more engaging streetscape and functional access to the broader community for units 1-15 fronting Hospital Rd, while still accommodating the landscaping/streetscaping requirement. A majority of the units are roughly 40+ feet away from the property lines; except for those fronting the Mary Ln extension which show a 10' setback per Zoning Conditions, and units 1-15 which are shown in our proposed site plan to front Hospital Dr, showing a 20' setback. The colored site plan and other images attached with this application illustrate how the proposed setback variance from 50 feet to 20 feet can offer engineering adaptability across the site without compromising the natural buffer zone, maintaining a fair distance from the property boundary and the thoroughfare, which is in harmony with the underlying intentions outlined in the code for creating a safe, engaging, and aesthetically pleasing environment.

3. Development Regulation Variance:

- **Request:** Section 109.03.11 - Remove the requirement for sidewalks on both sides of internal streets, to one side of internal streets as depicted in the proposed site plan.
- **Justification:** In seeking a variance from the standard sidewalk requirements as stipulated in the City of Canton's development code, it is proposed that the construction of sidewalks on both sides of the street

within the interior of the development be deemed non-essential. This proposal is grounded in the design principle that prioritizes pedestrian connectivity and accessibility. The architectural layout ensures that all front entrances are integrated into a comprehensive network of sidewalks, facilitating unobstructed pedestrian movement throughout the community internally and externally. Furthermore, for the interior rear entry units numbered 22-29 and 30-49, the presence of rear sidewalks adjacent to garages is considered redundant due to the existing accessible routes from the front entrances to the entire community and other sidewalks throughout the community. This approach aligns with the city's vision of fostering communities that are walkable and interconnected, while also addressing practical considerations of site planning and engineering. See both the colored and variance site plans for reference.

4. Landscape Variance:

- **Request:** Reduce beauty strip width from 2 feet to 1 foot.
- **Justification:** The proposed modification to the landscape variance seeks to adjust the width of the beauty strip from two feet to one foot. This change is carefully considered to uphold the integrity of the City of Canton's development code, specifically maintaining the required five-foot sidewalk width. Concurrently, it ensures that driveway lengths are sufficient to prevent obstruction of pedestrian pathways. The adjustment also offers increased flexibility in site planning, which can be particularly beneficial in constrained urban environments. Importantly, the revision is designed to preserve the original purpose of the beauty strip, which is to enhance the aesthetic appeal and ensure the safety of the streetscape. This careful balance between form and function reflects a commitment to the community's standards and the well-being of its residents. See the variance site plan for reference.

5. Development Regulation Variance:

- **Request:** Section 109.03.09 - Remove the requirement for gates at the entrances of private roads.
- **Justification:** Fire/Emergency Safety, Traffic, Engineering and Site Planning. There was no option for public or private roads for the internal streets of the proposed Townhome Tract based on the Zoning Conditions. By default the code imposes a gate requirement on private roads. A gate

will be characteristically different from the surrounding residential properties with the exception of the apartment complex on the south side of the Mary Ln extension that is currently in development. The following are a number of considerations for removing the gate requirement on this site. Removing gates ensures unimpeded access for fire trucks, ambulances, and other emergency vehicles. Swift response during emergencies is critical for public safety. Without gates, emergency responders can enter the private road without delay, potentially saving lives and minimizing property damage. During evacuations (e.g., natural disasters), open roads facilitate swift departure for all residents. Gates can cause traffic congestion, especially during peak hours. Removing them improves traffic flow and reduces bottlenecks. Unrestricted access simplifies movement for residents, visitors, and delivery vehicles, enhancing overall convenience. Gates require ongoing maintenance, their removal reduces long-term costs on the homeowners/HOA and ensures smoother road operation. Gates can also hinder pedestrian movement. Removing them promotes walkability and inclusivity.

In summary, removing the gate requirement on the Townhome Tract allows for greater efficiency of traffic flows and emergency vehicles on the Mary Ln extension and Medical Rd, increased pedestrian accessibility, lower HOA payments for gate maintenance. It fosters a well-integrated community while ensuring emergency readiness.

DEED BOOK:14723 PG:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

PLEASE RETURN TO:

Hughes White Kralicek
 2300 Windy Ridge Parkway
 Suite 570 South
 Atlanta, Georgia 30339
 Attn: R. Matthew Short, Esq.

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (the "Deed") is made as of the 4 day of November, 2021, by and between NORTHSIDE HOSPITAL, INC., a Georgia non-profit corporation ("Grantor"), and ACCENT CANTON ATLANTA, LP, a Georgia limited partnership ("Grantee") (the terms Grantor and Grantee to include their respective successors and assigns where the context hereof requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and does hereby grant, bargain, sell, convey and confirm unto Grantee, the real property described on Exhibit A attached hereto and made a part hereof together with all improvements and fixtures thereon (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE, subject only to (i) the terms, reservations, restrictions, covenants, and conditions set forth in this Deed, and (ii) those matters (hereinafter referred to as "Permitted Encumbrances") described on Exhibit B attached hereto and made a part hereof.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of Grantor and all persons lawfully owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed and the Permitted Encumbrances.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Property is being conveyed expressly subject to the covenants, conditions, and restrictions set forth in (i) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as "Declarant," dated as of April 29, 2019, and recorded at Deed Book 14362, Page 1754, Cherokee County, Georgia Records (the "201 Hospital Drive Declaration"); (ii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of June 25, 2019, and recorded at Deed Book 14372, Page 1976, Cherokee County, Georgia Records (the "211 Hospital Drive Declaration"); and (iii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of April 29, 2019, and recorded at Deed Book 14247, Page 1645, Cherokee County, Georgia Records (the "220 Hospital Road Declaration"; the 201 Hospital Drive Declaration, the 211 Hospital Drive Declaration, and the 220 Hospital Road Declaration are hereinafter collectively referred to as the "Declarations"). Grantor expressly reserves all rights under the Declarations, including, without limitation, the rights as Declarant with respect to each of

DEED BOOK:14723 PG:1510 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

the Declarations. Furthermore, Grantee acknowledges and agrees that the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration expressly include a right for Declarant to purchase the Property pursuant to the terms of Article VI set forth respectively in the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration (together, the "Existing Purchase Option"). Grantee expressly acknowledges and agrees that it hereby expressly grants the Declarant a Purchase Option with respect to the entirety of the Property, including, without limitation, the Property encumbered by the 201 Hospital Drive Declaration, on the terms and conditions set forth in the Existing Purchase Option and the terms and conditions of the Existing Purchase Option are hereby incorporated herein by reference with respect to the entirety of the Property. The Existing Purchase Option and the purchase option hereby established herein are hereinafter collectively referred to as the "Purchase Option." Therefore, for the avoidance of doubt, the entirety of the Property, including, without limitation, the portion of the Property encumbered by the 201 Hospital Drive Declaration, is being conveyed to Grantee expressly subject to the terms and condition of the Purchase Option in favor of Declarant. Notwithstanding the foregoing Purchase Option set forth in the Declarations and established hereby, upon (i) completion of the development of substantially all of the Property with improvements intended exclusively for residential purposes (e.g., residential dwelling structures [multi-family and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential amenities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes) (collectively, the "Residential Improvements"), and (ii) the issuance of a certificate of completion for the Residential Improvements from the applicable governmental authorities, then the Property shall be released automatically from the Purchase Option.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Grantee, by its acceptance of this Deed, and, as part of the consideration for this Deed, covenants and agrees the Property (and each portion thereof) shall be used exclusively for residential purposes and uses ancillary thereto (e.g., residential dwelling structures [multi-family and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential amenities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes). Neither Grantee nor any of Grantee's successors-in-title shall take any action to cause or permit the use of the Property for purposes other than the residential and ancillary purposes as described above. The Property is being conveyed subject to the foregoing covenants and conditions for the benefit of Declarant and its successors and assigns under the Declaration, which covenants and conditions shall be binding upon and enforceable against the Grantee, its successors, successors-in-title, and assigns with respect to the Property; shall be deemed to run with the land in perpetuity; and that the failure to include such covenants and conditions in subsequent conveyances will not abrogate the status of such covenants and conditions as binding upon the parties, their successors, successors-in-title and assigns with respect to the Property.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

DEED BOOK:14723 PG:1511 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

IN WITNESS WHEREOF, Grantor and Grantee have caused this deed to be executed under seal
 as of the day and year first above written.

Signed, sealed and delivered
 in the presence of:

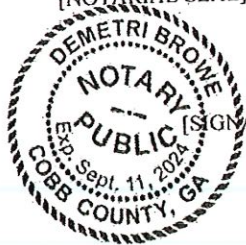
Jan Hare
 Unofficial Witness

Demetri Browe
 Notary Public

My Commission Expires:

9/11/2024

[NOTARIAL SEAL]



Grantor:

NORTHSIDE HOSPITAL, INC.,
 a Georgia non-profit corporation

By: Doug MacDonald
 Name: Doug MacDonald
 Title: Vice President of Planning and Real Estate

[CORPORATE SEAL]

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

COPY

Limited Warranty Deed

DEED BOOK:14723 PG:1512 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

Signed, sealed and delivered
 in the presence of:

Grantee:

ACCENT CANTON ATLANTA, LP, a Georgia
 limited partnership

Unofficial Witness

Sharon R. Chandler
 Notary Public

Accent Canton GP, LLC, its Manager, a Georgia
 limited liability company

My Commission Expires:

12/06/2021

[NOTARIAL SEAL]

By: Westplan Investors Group GP, LLC, its
 Manager, a Georgia limited liability
 company

By:

Bradley G. Johnson [SEAL]
 Name: *Bradley G. Johnson*

Title: Manager

SHARON R CHANDLER
 NOTARY PUBLIC
 Cobb County
 State of Georgia
 My Commission Expires 12/06/2021

COPY

DEED BOOK:14723 PG:1513 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

EXHIBIT A TO LIMITED WARRANTY DEED

PROPERTY

201 Hospital Drive (Tax Parcel Number 91N03-023)

PARCEL II

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia, being in original Lot of Land No. 168, formerly the property of George R. Brown, deceased, and more particularly described as follows:

BEGINNING at a point which is 185 feet North 10 degrees 20 minutes West from a point at the North edge of the sidewalk on the North side of Georgia State Highway 5, said sidewalk point being 285 feet Westerly from the center of Lakeview Drive of the North Canton Village of Canton Cotton Mills; thence running North 10 degrees 20 minutes West 520.4 feet to an iron pin; thence South 80 degrees 3 minutes West 590.4 feet to an iron pin; thence North 89 degrees 7 minutes West 148.4 feet to an iron pin on the Southeast right-of-way of the Old Waleska Road; thence southwesterly along the curvature of said right-of-way 513 feet to an iron pin; thence South 40 degrees 30 minutes East 206.0 feet to an iron pin; thence North 62 degrees 42 minutes East 215.5 feet to an iron pin; thence North 61 degrees 36 minutes East 227.1 feet to an iron pin; thence South 11 degrees 16 minutes East 162.8 feet to an iron pin located 163.8 feet North 11 degrees 16 minutes West from the right-of-way of Georgia State Highway No. 5; thence North 79 degrees 40 minutes East 581.7 feet to the starting point; said tract containing 11.05 acres, more or less, and being particularly shown by a plat made by Lat Ridgway, R.S., dated November 21, 1959, and recorded in Plat Book 2, Page 153, of Cherokee County Deed Records.

LESS AND EXCEPT FROM PARCEL II:

Any of the above described property conveyed from Hospital Authority of Cherokee County to Thomas H. Jaszynski and Mary Ann Jaszynski in that

Boundary Line Agreement, dated July 23, 1982, recorded in Deed Book 326, Page 574, Cherokee County, Georgia Records.

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1514 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

PARCEL III

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia in original Land Lot No. 168, described as follows:

BEGINNING at an iron pin which is located 148.4 feet from an iron pin which is the corner point at the intersection of the North line of the Hospital Authority [of Cherokee County, Georgia] line [also being the North line of Parcel II hereinabove described] and the right-of-way of the Old Waleska Road, said beginning point being marked also by a telephone pole; thence North 10 degrees 18 minutes West 206.2 feet to a marble marker; thence North 5 degrees 23 minutes West 300.3 feet to a marble marker at the C. M. Whitmire property; thence North 78 degrees 46 minutes East 300 feet to an iron pin; thence South 24 degrees 10 minutes East 233.7 feet to an iron pin; thence South 3 degrees 8 minutes East 88.1 feet to the Northwest corner of the property conveyed by Canton Cotton Mills to Dr. Arthur M. Hendrix; thence South 3 degrees 8 minutes East along the Hendrix property line 200 feet to an iron pin located 15 feet northward from the drive-way into R. T. Jones Memorial Hospital; thence South 80 degrees 3 minutes West 347.6 feet to the starting point; the same being shown by plat made by Lat Ridgway on February 9, 1965, and recorded in Plat Book 3, Page 141 of Cherokee County Deed Records, and being a portion of the property acquired from Georgia Marble Finishing Works, Mr. John Pope and Mrs. John Rymer, and recorded in Deed Book 7, Page 60, Deed Book 21, Page 534, and Deed Book 21, Page 533, Cherokee County, Georgia Records. Also possibly, being a part of the property acquired from the Estate of A. L. Coggins, bankrupt.

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1515 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006)

All that tract or parcel of land lying and being in Land Lots 168 of the 14th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

Beginning at a point found at the southwest corner of the intersection of Mary Lane (20' prescriptive right of way) and Hospital Road 40' right of way);
thence along the right of way of Hospital Road South 28 degrees 12 minutes 27 seconds West, 28.10 feet to a point;
thence continuing along said right of way South 38 degrees 54 minutes 12 seconds West, 49.60 feet to a point;
thence continuing along said right of way South 47 degrees 36 minutes 57 seconds West, 35.40 feet to a point;
thence continuing along said right of way South 51 degrees 03 minutes 35 seconds West, 60.50 feet to a point;
thence continuing along said right of way South 44 degrees 47 minutes 55 seconds West, 80.25 feet to a point;
thence continuing along said right of way South 35 degrees 05 minutes 19 seconds West, 69.20 feet to a point;
thence continuing along said right of way South 32 degrees 49 minutes 16 seconds West, 74.81 feet to a 5/8" rebar found;
thence leaving said right of way North 61 degrees 02 minutes 18 seconds West, 198.48 feet to a point;
thence North 39 degrees 38 minutes 54 seconds East, 75.00 feet to a point;
thence North 29 degrees 58 minutes 30 seconds East, 43.25 feet to a point;
thence North 37 degrees 48 minutes 30 seconds East, 30.50 feet to a 1/2" rebar found;
thence North 45 degrees 56 minutes 10 seconds East, 35.85 feet to a point;
thence North 56 degrees 51 minutes 05 seconds East, 21.95 feet to a point;
thence North 62 degrees 13 minutes 40 seconds East, 18.40 feet to a point;
thence South 87 degrees 05 minutes 30 seconds East, 9.75 feet to a point;
thence North 34 degrees 34 minutes 47 seconds East, 82.65 feet to a point on the southern right of way of Mary Lane;
thence continuing along said right of way North 74 degrees 52 minutes 37 seconds East, 74.85 feet to a point;
thence continuing along said right of way South 87 degrees 01 minute 28 seconds East, 18.10 feet to a point;
thence continuing along said right of way South 71 degrees 54 minutes 53 seconds East, 138.65 feet to a point; said point being the POINT OF BEGINNING.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1516 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-024)

All that tract or parcel of land, together with all improvements thereon, lying and being in Land Lot 168 of the 14th District, Second Section of Cherokee County, Georgia, and being designated as Lot 10A on a plat of the property of Canton Cotton Mills prepared by Lat Ridgway, registered surveyor, and dated December 16, 1964, and revised April 27, 1965, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin 15.7 feet North 3 degrees 8 minutes West from the present street curb on the property line of Cherokee County Hospital Authority, which point is 347.6 feet North 80 degrees 3 minutes East from an iron pin located 148.4 feet from an iron pin which is the corner point at the intersection of the Cherokee County Hospital Authority line and the right-of-way of the Old Waleska Road; thence North 80 degrees 03 minutes East 230 feet to an iron pin corner; thence North 17 degrees 28 minutes West along the West side of Cherry Street 163.5 to an iron pin; thence South 79 degrees 56 minutes West 189.3 feet to an iron pin; thence South 3 degrees 08 minutes East 163.1 feet to the point of beginning.

This is the same property described and conveyed in a Warranty Deed from Canton Cotton Mills to Dr. Arthur M. Hendrix dated July 6, 1965, which deed updated and corrected a previous deed dated August 12, 1964, LESS AND EXCEPT that portion conveyed by Grantor herein to Dr. John A. Cauble by Warranty Deed dated February 5, 1972.

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1517 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

EXHIBIT B TO LIMITED WARRANTY DEED

PERMITTED ENCUMBRANCES

1. All covenants, conditions, restrictions, easements, encumbrances, and other matters of record.
2. Zoning and other laws, ordinances, and regulations;
3. Public utility, drainage, and highway easements, whether or not of record;
4. Encroachments and other matters which would be disclosed by an accurate survey or an inspection of the above premises.
5. Real estate taxes not yet due and payable;
6. General and special assessments payable after the date hereof;
7. Boundary Line Agreement between Thomas H. Jaszynski and Mary Ann Jaszynski and Hospital Authority of Cherokee County, dated July 23, 1982, and recorded at Deed Book 326, Page 574, Cherokee County, Georgia Records.
8. Temporary Grading Easement between The Hospital Authority of Cherokee County and Canton Textile Mills, Inc., a Georgia corporation, dated September 10, 1986, and recorded at Deed Book 567, Page 680, Cherokee County, Georgia Records.
9. Easement from Hospital Authority of Cherokee County to Georgia Power Company, dated August 29, 2006, and recorded at Deed Book 9078, page 199, Cherokee County, Georgia Records.
10. Declaration of Restrictive Covenants (201 Hospital Drive, Canton, Georgia) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14362, page 1754, Cherokee County, Georgia Records.

The following matters affect only the real property more particularly described as Tax Map Parcels #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006 on Exhibit "A" herein:

11. Declaration of Restrictive Covenants (220 Hospital Road) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14358, page 485, Cherokee County, Georgia Records.

The following matters affect only the real property more particularly described as Tax Map Parcel #91N03-024 on Exhibit "A" herein:

12. Declaration of Restrictive Covenants (211 Hospital Drive) by Northside Hospital, Inc., dated June 25, 2019, and recorded at Deed Book 14372, page 1976, Cherokee County, Georgia Records.

The following matters affect all of the real property described herein:

13. Those matters as shown on that ALTA/NSPS Land Title Survey for WP Group Acquisitions, LLC by Vaughn & Melton, dated October 22, 2021, and being identified as Job no. 072110-36.

DEED BOOK:14723 PAGE:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

PT-61 (Rev. 2/18)

To be filed in **CHEROKEE COUNTY****PT-61 028-2021-015025**

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME Northside Hospital, Inc.				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) Center Pointe - Bldg One, 1100 Johnson Ferry Rd Ste 400				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$3,899,076.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30342 USA		DATE OF SALE 11/4/2021		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Accent Canton Atlanta, LP				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) c/o McClure & Kornheiser, LLC, 6400 Powers Ferry Rd Ste 150				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$3,899,076.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30339 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$3,899.10
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY CHEROKEE		CITY (IF APPLICABLE) CANTON		MAP & PARCEL NUMBER 91N03-022; 91N03-005A; 91N0 ...*	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

...* This symbol signifies that the data was too big for the field. The original values are shown below.
 MAP & PARCEL NUMBER: 91N03-022; 91N03-005A; 91N03-005; 91N03-006...

Printed: 04/30/2024 16:19:02 PM



Official Tax Receipt
Cherokee County, GA
2780 Marietta Hwy
Canton, 30114
--Online Receipt--

Phone: 678-493-6400

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2023-16334	91N03023	LL 148; 14TH D PB 3 PG 242	\$36,064.98	\$0.00 Fees: \$0.00	\$0.00	\$36,064.98	\$0.00
Totals:			\$36,064.98	\$0.00	\$0.00	\$36,064.98	\$0.00

Paid Date: 09/25/2023

Charge Amount: \$36,064.98

ACCENT CANTON ATLANTA LP
C/O MCCLURE & KORNHEISER LLC 3715
NORTHSIDE PKWY NW BLDG 400 STE 375
ATLANTA, GA 30327



Scan this code with your
mobile phone to view this
bill



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Public Hearing Application

Project #

VAR2405-002

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. Please make your check payable to "City of Canton."
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I, Eastwood Homes of GA LLC, 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, Eastwood Homes of GA LLC, have received and thoroughly read the Public Hearing Procedures.

Applicant: [Signature] This 1 day of May, 20 24.
Print Name: Nick Whitson for Eastwood Homes Atlanta Div.

Applicant Information:

Name: Eastwood Homes of GA LLC (POC - Nick Whitson)
Address: 1000 Mansell Exchange West, Building 350
City: Alpharetta
State: GA Zip Code: 30040
Telephone: 404-661-4040
Fax Number: n/a
Email Address: nwhitson@eastwoodhomes.com

Owner Information:

Name: Accent Canton Atlanta LP (POC - Matt Ross)
Address: 1100 Peachtree St
City: Atlanta
State: GA Zip Code: 30309
Telephone: 770-778-7293
Fax Number: _____
Email Address: m.ross@westplan.com

This Application For (Check Only One):

- | | |
|--|---|
| ☐ A Annexation | ☐ I Temporary Use Permit |
| ☐ B Rezoning | ☐ J Zoning Ordinance Text Amendment |
| ☐ C Master Plans | ☒ K Variance : Pre-Construction |
| ☐ D Master Plan Revisions | ☐ K Variance : Post-Construction |
| ☐ E Conditional Use Permit | ☐ Appeal |
| ☐ F Land Use Modification | |
| ☒ G Zoning Condition Amendment | ☐ Adjustment |
| ☐ H Density Transfer within Master Plan | ☐ Special Exception |

Fee Schedule:

Application Type _____
Base Fee _____ + (#Acres _____ x \$25.00 = _____) = _____
Advertising Fee _____ + (#Acres _____ x \$50.00 = _____) = _____

Staff Use Only

Amount Due: _____
Amount Due: _____
Total Fee: _____

Received By: _____

Date: _____

Amount Paid: _____



Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

Authorization Of Property Owner

This form is to be executed under oath. I, Accent Canton Atlanta, LP, 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 15 day of May, 20 24.

Owner Signature:

R. Carter

Print Name:

Rob Carter

on behalf of Accent Canton Atlanta LP
as manager

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

☐ A Annexation

☐ B Rezoning

☐ C Master Plans

☐ D Master Plan Revisions

☐ E Conditional Use Permit

☐ F Land Use Modification

☒ G Zoning Condition Amendment

☐ H Density Transfer within Master Plan

☐ I Temporary Use Permit

☐ J Zoning Ordinance Text Amendment

☒ K Variance

Sworn To and Subscribed Before Me This 15 Day Of May, 20 24.

Notary Signature

Sharon R. Chandler

(Seal)

Sharon R Chandler
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires December 6, 2025



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Authorization Of Applicant

This form is to be executed under oath. I, Accent Canton Atlanta LP, 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 1 day of May, 20 24.

Owner Signature:

R. Carter
on behalf of Accent Canton Atlanta LP
as Manager

Print Name:

R. Carter

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- ☐ A Annexation
- ☐ B Rezoning
- ☐ C Master Plans
- ☐ D Master Plan Revisions
- ☐ E Conditional Use Permit
- ☐ F Land Use Modification

- ☒ G Zoning Condition Amendment
- ☐ H Density Transfer within Master Plan
- ☐ I Temporary Use Permit
- ☐ J Zoning Ordinance Text Amendment
- ☒ K Variance

Name of Authorized Applicant: Nick Whitson for Eastwood Homes of Georgia, LLC

Signature:

Nick Whitson

Mailing Address: 1000 Mansell Exchange West

Building 350

City: Alpharetta

State: GA

Zip Code: 30022

Telephone: 404-661-4040 (c) 248-444-1044 (o)

Fax Number: na

E-mail: nwhitson@eastwoodhomes.com

Applicant Status:

- ☐ Owner
- ☒ Option to Purchase
- ☐ Lensec
- ☐ Area Resident
- ☐ Other (Explain): _____

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 1 Day of May, 20 2024.

Notary Signature:

Sharon R. Chandler

www.cantonga.gov

3

Sharon R Chandler
NOTARY PUBLIC
Cobb County
State of Georgia

My Comm. Expires December 6, 2025



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Disclosure Form

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.

1. Name of Applicant/Opponent: Nick Whitson for Pleasant Grove Homes of Georgia, LLC

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 Planning Commission or the City of Canton Mayor and 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):*

N/A

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

\$	
\$	
\$	

Note: Complete a separate form for each authorized applicant.



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Property Information:

Address: 201 Hospital Road, Canton, GA 30114
Land Lot(s): 148 District: 14th Section: 2nd Map #: 91N03 Parcel #: 23
Existing Zoning Of Property: PD-Mixed Use ☒ City ☐ County Total Acreage Of Property: 17.85 (4.378 Townhome tract)
Proposed Zoning Of Property: n/a Existing Use(s) Of Property: Vacant
Directions to property from Main Street in downtown Canton:
North street to Waleska Street, left on Riverstone Pkwy, right onto Hospital Drive, parcel is on the left.

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/ADDRESS	CURRENT ZONING	CURRENT LAND USE
NORTH	EDSS Realty LLC 271 Hospital Rd	O-I	TNRA-Traditional Neighborhood Dev
	Delong+Vickers LLC 200 Medical Ln	O-I	
SOUTH	Accent Canton Atlanta LP 201 Hospital Rd	PD-MU	TNRA "
EAST	100 50 Medical Ln Edge Park Estate I LLC	O-I	" "
	211 John A. Canale		
	Accent Canton Atlanta LP	PD-MU	" "
WEST (access street)	Lorenzo, Carlos Juan 230 Hospital Rd	O-RT	" "
	Fortwest LLC 250+260 Hospital Rd		
OTHER			

UTILITY INFORMATION

How is sewage from this development to be managed? Sanitary Sewer System
Proposed managing jurisdiction: City of Canton
How will water be provided to the site? Public Water
Proposed managing jurisdiction: City of Canton Size Limit: _____



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

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 Board 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. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. 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. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH Cherokee High School
MIDDLE Tearley Middle School
ELEMENTARY RM Moore

TRAFFIC INFORMATION

Road/Street providing access: Hospital Rd and Hospital Dr (Mary lane extension)

Width at property: (Road) 24' (Right-of-way) 50'

Distance to nearest major thoroughfare: +/- 375' Thoroughfare Name: Waleska Rd
+/- 162' Riverston Parkway

Description of Road accessing property (Classification): local

In support of this request, I submit the following items, which are attached and made a part of this application:

- ☒ Boundary Survey
- ☒ Legal Description
- ☒ Letter of Intent
- ☐ Traffic Analysis Report

- ☒ Master Plan / Site Plan
- ☒ Location Map
- ☐ Hydrology Study

(Guidelines available from Planning & Zoning Dept.)

- ☐ Board of Appeals Review Criteria Response
- ☐ Petition Requesting Annexation
- ☐ Other (please explain) _____
- ☐ Elevation Plans



Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

Canton Board of Appeals Review Criteria

Article II, Section 8-8-II-195 empowers the Board of Appeals to authorize variances from provisions of the Zoning Code pursuant to a finding based in the criteria listed below. Please respond to the following.

(Applications Type K : ONLY)

Are there any extraordinary and exceptional conditions pertaining to the subject property because of its size, shape or topography? The shape of the property along with multiple road

frontages, and code standards create a lack of design and engineering flexibility.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary

hardship? Yes, limit design flexibility whereas the underlying intent of the code can be achieved with the approval of the requested variances.

Has the condition from which relief or variance is sought been a result from action by the applicant? No

Are there conditions peculiar to the subject property? Yes

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

Provide a Letter of Intent, which provides the necessary information to support your application for Variance.

LETTER OF INTENT

Variance Application

Applicant:
Eastwood Homes of Georgia, LLC

Property:
201 Hospital Road, Canton GA (Townhome Tract - 4.378 acres)

Parcel ID:
14-0168-0118

Submitted for Applicant by:

Nick Whitson for Eastwood Homes of Georgia, LLC
1000 Mansell Exchange W, Suite 350
Alpharetta, GA 30022

TABLE OF CONTENTS & MATERIALS

LETTER OF INTENT.....pg.3-4

LIST OF REQUESTED VARIANCES.....pg.5-9

INTRODUCTION

Applicant, Eastwood Homes of Georgia, LLC, files this Letter of Intent in support of the Variance Application for the, "Townhome Tract," which is a 4.378 acre tract of the total 17.85 acre Mixed-Use Planned Development known as, "Accent Canton," which was the former location of the Northside Hospital-Cherokee near Riverstone Parkway and Waleska Road. PIN: 14-0168-0118.

The surrounding area includes a mixture of multifamily and single family residential, office, parks, and nearby commercial along Riverstone Pkwy. The redevelopment of this site will enhance the area by providing greater pedestrian connectivity and a vibrant place for people to live near the Etowah River, surrounding parks, and intown Canton.

Since 1962, the property was generally used for a hospital and associated medical uses, first as R.T Jones Regional Hospital and later Northside Hospital-Cherokee. In light of the growing population and need for additional space, Northside constructed a new state of the art facility. The existing buildings were demolished and the site has been vacant with a significant area of paving and no beneficial use.

The site was recently rezoned from SU (Special Use) to PD-MU (Planned Development - Mixed Use) and acquired by Accent Canton Atlanta LP. The site was approved for the development of 260 apartments and 50 townhomes. A Traffic Analysis was conducted at the time of the rezoning, and we don't foresee any negative or significant impact on traffic due to our variance request(s). The, "Townhome Tract," does lack some design and engineering flexibility due to its shape paired with certain nuances of the development code's minimum requirements, which include but are not limited to: buffers, setbacks, and other development regulations. Thus, the application seeks the following variance requests in order to balance design and engineering flexibility for sustainable and practical development with comfort, safety, and our interpretation of the underlying intention of codes

for which are seeking variances.

The City of Canton's Housing Needs Assessment identified the need for quality housing in the City and identified this former Northside Hospital site as a desirable residential development site. The variance(s) proposed for the Townhouse Tract will balance practical development and design flexibility with safety and comfort guidelines aligning with the city's guidelines for sustainable and practical development, as outlined in the Unified Development Code.

LIST OF REQUESTED VARIANCES & DETAILS

1. Landscape Variance:

- **Request:** Landscape Variance - Section 103.03.07-10 - Remove the requirement for a 50' Landscape Buffer between the PD-MU and O-I Zoned properties at the northern borders of the Townhome development, which all share the same Future Land Use (FLU) Traditional Neighborhood Redevelopment Area (TNRA) in exchange for a 10' Built Landscape Buffer as depicted in the proposed site plan.
- **Justification:** A dense landscape plan within a 10-foot *built* buffer can achieve a similar effect and aesthetics as a 50-foot vegetative buffer, albeit with some considerations. Starting with the foundation of a *built* buffer, fencing. A privacy fence achieves multiple objectives from the code 103.03.07, "to reduce the effects of headlight glare, noise, and other objectionable activities," will create a complete visual barrier between the parking lot of 321 Hospital Drive and the proposed residential development which is now only separate by an old chain link fence, and also on the opposite side of the development between 50 Medical Ln and the development where there is currently no fencing or visual barrier. A privacy fence maximizes visual screening at eye level while maintaining little impact in a buffer in order to preserve room for layers of dense vegetative landscaping. The next few layers of our proposed *built* buffer will further create an appealing and dense landscape buffer between the two properties within the proposed 10 foot *built* landscape buffer. These additional layers to our *built* buffer involve a mixture of carefully chosen understory evergreen and oriental shrubs and trees that provide both vertical and horizontal coverage with <15 foot to 30 foot on center spacing. Followed by the third layer, a variety of evergreen and streetscaping canopy trees on the standard 50 foot center on center. The closer spacing of the plants behind the fence within the proposed 10-foot *built* buffer will create a more lush appearance. The combination of all these elements of our *built* buffer will create a dense layered year-round aesthetically pleasing barrier between the proposed residential development and office/commercial parcels to the north of the site. This concept of a 10' built landscape buffer was inspired with the assistance of an Engineer and Landscape Architect based on sections of the Canton code and approved tree species.

In addition to the proposed 10' built landscape buffer along the north and eastern property lines as shown in on our proposed site plan, we can also use the setback areas and open space in our proposed site plan for additional landscaping and tree planting as units 16-21 and 22-29 are roughly 40+ feet away from the property line. And units 30-39 are even further off the eastern property line, offering additional greenspace on the eastern side of the internal road as seen in our site plan which will feel very much like the underlying intention of a standard buffer on a significant portion of the site. *For images of existing and proposed conditions, see the colored site plan, elevations, and examples of proposed buffers.*

Other areas that will feel different with a smaller landscape buffer than originally planned, but possibly more aesthetically cohesive with the community, will be units 1-15 along the west side of the site as those units will front Hospital Rd. This will feel similar to units 22-29 fronting the Mary Lane extension that have a 10 foot setback. We made this adjustment after our first pre-development meeting to create a more inviting thoroughfare along Hospital Road as per recommendations during that meeting from Billy Peppers when discussing pedestrian accessibility to the broader community. We intend for units 1-15 to be closer to the street and have standard streetscaping, which we believe will promote greater pedestrian use and connectivity with the broader community. The zoning across the street from these western facing units is O-RT (office/residential transition) and is currently a combination of residential all fronting public roads, one medical office located at 260 Hospital Rd, and a pocket park at the southwest corner of Mary Lane and Hospital Rd. So, the concept of units 1-15 fronting Hospital Rd with a closer set back to the street should feel cohesive with the surrounding properties and their uses.

In summary, our proposal for a reduction of the 50 foot landscape buffer to a 10 foot *built* landscape buffer will include a combination of a privacy fence and a variety of vegetation to maximize screening and the underlying intentions of the city's Landscape Buffer ordinance while maintaining flexibility for site planning and engineering between the existing properties and the proposed residential site. And not to forget, while the buffer will technically be reduced, this proposed variance will allow greater design flexibility to give us the opportunity to create additional greenspace and

planting as desired along the immediately adjacent properties where landscaping will have the most impact aesthetically and as a buffer.

2. Setback Variance:

- **Request:** Setback Variance - This is a Variance for Zoning Condition #5 of Case Z2106-003 - "Building setbacks shall be 50' from external property lines unless a variance is granted by the Board of Appeals." Request variance to reduce 50' setback to 20'.
- **Justification:** This variance request goes hand in hand with the landscape buffer variance request. The setback variance aims to enhance engineering and site planning flexibility while maintaining a fair distance from the property boundary. It allows for a more adaptable design, accommodating stormwater management systems, transportation networks, landscape design, and pedestrian-friendly spaces which is crucial for the viability of the proposed development and necessary engineering design. As noted in the previous landscape buffer variance request, the reduced setback will work hand in hand with this proposed setback variance to facilitate a more engaging streetscape and functional access to the broader community for units 1-15 fronting Hospital Rd, while still accommodating the landscaping/streetscaping requirement. A majority of the units are roughly 40+ feet away from the property lines; except for those fronting the Mary Ln extension which show a 10' setback per Zoning Conditions, and units 1-15 which are shown in our proposed site plan to front Hospital Dr, showing a 20' setback. The colored site plan and other images attached with this application illustrate how the proposed setback variance from 50 feet to 20 feet can offer engineering adaptability across the site without compromising the natural buffer zone, maintaining a fair distance from the property boundary and the thoroughfare, which is in harmony with the underlying intentions outlined in the code for creating a safe, engaging, and aesthetically pleasing environment.

3. Development Regulation Variance:

- **Request:** Section 109.03.11 - Remove the requirement for sidewalks on both sides of internal streets, to one side of internal streets as depicted in the proposed site plan.
- **Justification:** In seeking a variance from the standard sidewalk requirements as stipulated in the City of Canton's development code, it is proposed that the construction of sidewalks on both sides of the street

within the interior of the development be deemed non-essential. This proposal is grounded in the design principle that prioritizes pedestrian connectivity and accessibility. The architectural layout ensures that all front entrances are integrated into a comprehensive network of sidewalks, facilitating unobstructed pedestrian movement throughout the community internally and externally. Furthermore, for the interior rear entry units numbered 22-29 and 30-49, the presence of rear sidewalks adjacent to garages is considered redundant due to the existing accessible routes from the front entrances to the entire community and other sidewalks throughout the community. This approach aligns with the city's vision of fostering communities that are walkable and interconnected, while also addressing practical considerations of site planning and engineering. See both the colored and variance site plans for reference.

4. Landscape Variance:

- **Request:** Reduce beauty strip width from 2 feet to 1 foot.
- **Justification:** The proposed modification to the landscape variance seeks to adjust the width of the beauty strip from two feet to one foot. This change is carefully considered to uphold the integrity of the City of Canton's development code, specifically maintaining the required five-foot sidewalk width. Concurrently, it ensures that driveway lengths are sufficient to prevent obstruction of pedestrian pathways. The adjustment also offers increased flexibility in site planning, which can be particularly beneficial in constrained urban environments. Importantly, the revision is designed to preserve the original purpose of the beauty strip, which is to enhance the aesthetic appeal and ensure the safety of the streetscape. This careful balance between form and function reflects a commitment to the community's standards and the well-being of its residents. See the variance site plan for reference.

5. Development Regulation Variance:

- **Request:** Section 109.03.09 - Remove the requirement for gates at the entrances of private roads.
- **Justification:** Fire/Emergency Safety, Traffic, Engineering and Site Planning. There was no option for public or private roads for the internal streets of the proposed Townhome Tract based on the Zoning Conditions. By default the code imposes a gate requirement on private roads. A gate

will be characteristically different from the surrounding residential properties with the exception of the apartment complex on the south side of the Mary Ln extension that is currently in development. The following are a number of considerations for removing the gate requirement on this site. Removing gates ensures unimpeded access for fire trucks, ambulances, and other emergency vehicles. Swift response during emergencies is critical for public safety. Without gates, emergency responders can enter the private road without delay, potentially saving lives and minimizing property damage. During evacuations (e.g., natural disasters), open roads facilitate swift departure for all residents. Gates can cause traffic congestion, especially during peak hours. Removing them improves traffic flow and reduces bottlenecks. Unrestricted access simplifies movement for residents, visitors, and delivery vehicles, enhancing overall convenience. Gates require ongoing maintenance, their removal reduces long-term costs on the homeowners/HOA and ensures smoother road operation. Gates can also hinder pedestrian movement. Removing them promotes walkability and inclusivity.

In summary, removing the gate requirement on the Townhome Tract allows for greater efficiency of traffic flows and emergency vehicles on the Mary Ln extension and Medical Rd, increased pedestrian accessibility, lower HOA payments for gate maintenance. It fosters a well-integrated community while ensuring emergency readiness.

DEED BOOK:14723 PG:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

PLEASE RETURN TO:

Hughes White Kralicek
 2300 Windy Ridge Parkway
 Suite 570 South
 Atlanta, Georgia 30339
 Attn: R. Matthew Short, Esq.

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (the "Deed") is made as of the 4 day of November, 2021, by and between **NORTHSIDE HOSPITAL, INC.**, a Georgia non-profit corporation ("Grantor"), and **ACCENT CANTON ATLANTA, LP**, a Georgia limited partnership ("Grantee") (the terms Grantor and Grantee to include their respective successors and assigns where the context hereof requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and does hereby grant, bargain, sell, convey and confirm unto Grantee, the real property described on **Exhibit A** attached hereto and made a part hereof together with all improvements and fixtures thereon (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE, subject only to (i) the terms, reservations, restrictions, covenants, and conditions set forth in this Deed, and (ii) those matters (hereinafter referred to as "Permitted Encumbrances") described on **Exhibit B** attached hereto and made a part hereof.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of Grantor and all persons lawfully owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed and the Permitted Encumbrances.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Property is being conveyed expressly subject to the covenants, conditions, and restrictions set forth in (i) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as "Declarant," dated as of April 29, 2019, and recorded at Deed Book 14362, Page 1754, Cherokee County, Georgia Records (the "201 Hospital Drive Declaration"); (ii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of June 25, 2019, and recorded at Deed Book 14372, Page 1976, Cherokee County, Georgia Records (the "211 Hospital Drive Declaration"); and (iii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of April 29, 2019, and recorded at Deed Book 14247, Page 1645, Cherokee County, Georgia Records (the "220 Hospital Road Declaration"; the 201 Hospital Drive Declaration, the 211 Hospital Drive Declaration, and the 220 Hospital Road Declaration are hereinafter collectively referred to as the "Declarations"). Grantor expressly reserves all rights under the Declarations, including, without limitation, the rights as Declarant with respect to each of

DEED BOOK:14723 PG:1510 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

the Declarations. Furthermore, Grantee acknowledges and agrees that the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration expressly include a right for Declarant to purchase the Property pursuant to the terms of Article VI set forth respectively in the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration (together, the "Existing Purchase Option"). Grantee expressly acknowledges and agrees that it hereby expressly grants the Declarant a Purchase Option with respect to the entirety of the Property, including, without limitation, the Property encumbered by the 201 Hospital Drive Declaration, on the terms and conditions set forth in the Existing Purchase Option and the terms and conditions of the Existing Purchase Option are hereby incorporated herein by reference with respect to the entirety of the Property. The Existing Purchase Option and the purchase option hereby established herein are hereinafter collectively referred to as the "Purchase Option." Therefore, for the avoidance of doubt, the entirety of the Property, including, without limitation, the portion of the Property encumbered by the 201 Hospital Drive Declaration, is being conveyed to Grantee expressly subject to the terms and condition of the Purchase Option in favor of Declarant. Notwithstanding the foregoing Purchase Option set forth in the Declarations and established hereby, upon (i) completion of the development of substantially all of the Property with improvements intended exclusively for residential purposes (e.g., residential dwelling structures [multi-family and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential amenities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes) (collectively, the "Residential Improvements"), and (ii) the issuance of a certificate of completion for the Residential Improvements from the applicable governmental authorities, then the Property shall be released automatically from the Purchase Option.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Grantee, by its acceptance of this Deed, and, as part of the consideration for this Deed, covenants and agrees the Property (and each portion thereof) shall be used exclusively for residential purposes and uses ancillary thereto (e.g., residential dwelling structures [multi-family and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential amenities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes). Neither Grantee nor any of Grantee's successors-in-title shall take any action to cause or permit the use of the Property for purposes other than the residential and ancillary purposes as described above. The Property is being conveyed subject to the foregoing covenants and conditions for the benefit of Declarant and its successors and assigns under the Declaration, which covenants and conditions shall be binding upon and enforceable against the Grantee, its successors, successors-in-title, and assigns with respect to the Property; shall be deemed to run with the land in perpetuity; and that the failure to include such covenants and conditions in subsequent conveyances will not abrogate the status of such covenants and conditions as binding upon the parties, their successors, successors-in-title and assigns with respect to the Property.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

DEED BOOK:14723 PG:1511 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

IN WITNESS WHEREOF, Grantor and Grantee have caused this deed to be executed under seal
 as of the day and year first above written.

Signed, sealed and delivered
 in the presence of:

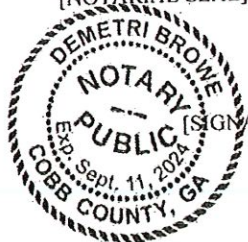
Jan Hane
 Unofficial Witness

Demetri Browe
 Notary Public

My Commission Expires:

9/11/2024

[NOTARIAL SEAL]



Grantor:

NORTHSIDE HOSPITAL, INC.,
 a Georgia non-profit corporation

By: Doug MacDonald

Name: Doug MacDonald

Title: Vice President of Planning and Real Estate

[CORPORATE SEAL]

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

COPY

Limited Warranty Deed

DEED BOOK:14723 PG:1512 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

Signed, sealed and delivered
 in the presence of:

Grantee:

ACCENT CANTON ATLANTA, LP, a Georgia
 limited partnership

Unofficial Witness

Sharon R. Chandler
 Notary Public

Accent Canton GP, LLC, its Manager, a Georgia
 limited liability company

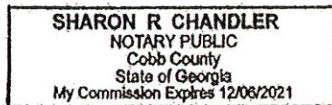
My Commission Expires:

12/06/2021

[NOTARIAL SEAL]

By: Westplan Investors Group GP, LLC, its
 Manager, a Georgia limited liability
 company

By: *Bradley G. Johnson* [SEAL]
 Name: *Bradley G. Johnson*
 Title: Manager



COPY

DEED BOOK:14723 PG:1513 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

EXHIBIT A TO LIMITED WARRANTY DEED

PROPERTY

201 Hospital Drive (Tax Parcel Number 91N03-023)

PARCEL II

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia, being in original Lot of Land No. 168, formerly the property of George R. Brown, deceased, and more particularly described as follows:

BEGINNING at a point which is 185 feet North 10 degrees 20 minutes West from a point at the North edge of the sidewalk on the North side of Georgia State Highway 5, said sidewalk point being 285 feet Westerly from the center of Lakeview Drive of the North Canton Village of Canton Cotton Mills; thence running North 10 degrees 20 minutes West 520.4 feet to an iron pin; thence South 80 degrees 3 minutes West 590.4 feet to an iron pin; thence North 89 degrees 7 minutes West 148.4 feet to an iron pin on the Southeast right-of-way of the Old Waleska Road; thence southwesterly along the curvature of said right-of-way 513 feet to an iron pin; thence South 40 degrees 30 minutes East 206.0 feet to an iron pin; thence North 62 degrees 42 minutes East 215.5 feet to an iron pin; thence North 61 degrees 36 minutes East 227.1 feet to an iron pin; thence South 11 degrees 16 minutes East 162.8 feet to an iron pin located 163.8 feet North 11 degrees 16 minutes West from the right-of-way of Georgia State Highway No. 5; thence North 79 degrees 40 minutes East 581.7 feet to the starting point; said tract containing 11.05 acres, more or less, and being particularly shown by a plat made by Lat Ridgway, R.S., dated November 21, 1959, and recorded in Plat Book 2, Page 153, of Cherokee County Deed Records.

LESS AND EXCEPT FROM PARCEL II:

Any of the above described property conveyed from Hospital Authority of Cherokee County to Thomas H. Jaszynski and Mary Ann Jaszynski in that

Boundary Line Agreement, dated July 23, 1982, recorded in Deed Book 326, Page 574, Cherokee County, Georgia Records.

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1514 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

PARCEL III

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia in original Land Lot No. 168, described as follows:

BEGINNING at an iron pin which is located 148.4 feet from an iron pin which is the corner point at the intersection of the North line of the Hospital Authority [of Cherokee County, Georgia] line [also being the North line of Parcel II hereinabove described] and the right-of-way of the Old Waleska Road, said beginning point being marked also by a telephone pole; thence North 10 degrees 18 minutes West 206.2 feet to a marble marker; thence North 5 degrees 23 minutes West 300.3 feet to a marble marker at the C. M. Whitmire property; thence North 78 degrees 46 minutes East 300 feet to an iron pin; thence South 24 degrees 10 minutes East 233.7 feet to an iron pin; thence South 3 degrees 8 minutes East 88.1 feet to the Northwest corner of the property conveyed by Canton Cotton Mills to Dr. Arthur M. Hendrix; thence South 3 degrees 8 minutes East along the Hendrix property line 200 feet to an iron pin located 15 feet northward from the drive-way into R. T. Jones Memorial Hospital; thence South 80 degrees 3 minutes West 347.6 feet to the starting point; the same being shown by plat made by Lat Ridgway on February 9, 1965, and recorded in Plat Book 3, Page 141 of Cherokee County Deed Records, and being a portion of the property acquired from Georgia Marble Finishing Works, Mr. John Pope and Mrs. John Rymer, and recorded in Deed Book 7, Page 60, Deed Book 21, Page 534, and Deed Book 21, Page 533, Cherokee County, Georgia Records. Also possibly, being a part of the property acquired from the Estate of A. L. Coggins, bankrupt.

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1515 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006)

All that tract or parcel of land lying and being in Land Lots 168 of the 14th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

Beginning at a point found at the southwest corner of the intersection of Mary Lane (20' prescriptive right of way) and Hospital Road 40' right of way);
thence along the right of way of Hospital Road South 28 degrees 12 minutes 27 seconds West, 28.10 feet to a point;
thence continuing along said right of way South 38 degrees 54 minutes 12 seconds West, 49.60 feet to a point;
thence continuing along said right of way South 47 degrees 36 minutes 57 seconds West, 35.40 feet to a point;
thence continuing along said right of way South 51 degrees 03 minutes 35 seconds West, 60.50 feet to a point;
thence continuing along said right of way South 44 degrees 47 minutes 55 seconds West, 80.25 feet to a point;
thence continuing along said right of way South 35 degrees 05 minutes 19 seconds West, 69.20 feet to a point;
thence continuing along said right of way South 32 degrees 49 minutes 16 seconds West, 74.81 feet to a 5/8" rebar found;
thence leaving said right of way North 61 degrees 02 minutes 18 seconds West, 195.48 feet to a point;
thence North 39 degrees 38 minutes 54 seconds East, 75.00 feet to a point;
thence North 29 degrees 58 minutes 30 seconds East, 43.25 feet to a point;
thence North 37 degrees 48 minutes 30 seconds East, 30.50 feet to a 1/2" rebar found;
thence North 45 degrees 56 minutes 10 seconds East, 35.85 feet to a point;
thence North 56 degrees 51 minutes 05 seconds East, 21.95 feet to a point;
thence North 62 degrees 13 minutes 40 seconds East, 18.40 feet to a point;
thence South 87 degrees 05 minutes 30 seconds East, 9.75 feet to a point;
thence North 34 degrees 34 minutes 47 seconds East, 82.65 feet to a point on the southern right of way of Mary Lane;
thence continuing along said right of way North 74 degrees 52 minutes 37 seconds East, 74.85 feet to a point;
thence continuing along said right of way South 87 degrees 01 minute 28 seconds East, 18.10 feet to a point;
thence continuing along said right of way South 71 degrees 54 minutes 53 seconds East, 138.65 feet to a point; said point being the POINT OF BEGINNING.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1516 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
Rec: \$25.00 TRANSFER TAX \$3,899.10
Patty Baker, Clerk of Superior Court - Cherokee County, GA
ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-024)

All that tract or parcel of land, together with all improvements thereon, lying and being in Land Lot 168 of the 14th District, Second Section of Cherokee County, Georgia, and being designated as Lot 10A on a plat of the property of Canton Cotton Mills prepared by Lat Ridgway, registered surveyor, and dated December 16, 1964, and revised April 27, 1965, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin 15.7 feet North 3 degrees 8 minutes West from the present street curb on the property line of Cherokee County Hospital Authority, which point is 347.6 feet North 80 degrees 3 minutes East from an iron pin located 148.4 feet from an iron pin which is the corner point at the intersection of the Cherokee County Hospital Authority line and the right-of-way of the Old Waleska Road; thence North 80 degrees 03 minutes East 230 feet to an iron pin corner; thence North 17 degrees 28 minutes West along the West side of Cherry Street 163.5 to an iron pin; thence South 79 degrees 56 minutes West 189.3 feet to an iron pin; thence South 3 degrees 08 minutes East 163.1 feet to the point of beginning.

This is the same property described and conveyed in a Warranty Deed from Canton Cotton Mills to Dr. Arthur M. Hendrix dated July 6, 1965, which deed updated and corrected a previous deed dated August 12, 1964, LESS AND EXCEPT that portion conveyed by Grantor herein to Dr. John A. Cauble by Warranty Deed dated February 5, 1972.

Exhibit A

4846-7405-1982.2

DEED BOOK:14723 PG:1517 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285
 Rec: \$25.00 TRANSFER TAX \$3,899.10
 Patty Baker, Clerk of Superior Court - Cherokee County, GA
 ParticipantIDs: 7495336524

EXHIBIT B TO LIMITED WARRANTY DEED

PERMITTED ENCUMBRANCES

1. All covenants, conditions, restrictions, easements, encumbrances, and other matters of record.
2. Zoning and other laws, ordinances, and regulations;
3. Public utility, drainage, and highway easements, whether or not of record;
4. Encroachments and other matters which would be disclosed by an accurate survey or an inspection of the above premises.
5. Real estate taxes not yet due and payable;
6. General and special assessments payable after the date hereof;
7. Boundary Line Agreement between Thomas H. Jaszynski and Mary Ann Jaszynski and Hospital Authority of Cherokee County, dated July 23, 1982, and recorded at Deed Book 326, Page 574, Cherokee County, Georgia Records.
8. Temporary Grading Easement between The Hospital Authority of Cherokee County and Canton Textile Mills, Inc., a Georgia corporation, dated September 10, 1986, and recorded at Deed Book 567, Page 680, Cherokee County, Georgia Records.
9. Easement from Hospital Authority of Cherokee County to Georgia Power Company, dated August 29, 2006, and recorded at Deed Book 9078, page 199, Cherokee County, Georgia Records.
10. Declaration of Restrictive Covenants (201 Hospital Drive, Canton, Georgia) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14362, page 1754, Cherokee County, Georgia Records.

The following matters affect only the real property more particularly described as Tax Map Parcels #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006 on Exhibit "A" herein:

11. Declaration of Restrictive Covenants (220 Hospital Road) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14358, page 485, Cherokee County, Georgia Records.
- The following matters affect only the real property more particularly described as Tax Map Parcel #91N03-024 on Exhibit "A" herein:

12. Declaration of Restrictive Covenants (211 Hospital Drive) by Northside Hospital, Inc., dated June 25, 2019, and recorded at Deed Book 14372, page 1976, Cherokee County, Georgia Records.

The following matters affect all of the real property described herein:

13. Those matters as shown on that ALTA/NSPS Land Title Survey for WP Group Acquisitions, LLC by Vaughn & Melton, dated October 22, 2021, and being identified as Job no. 072110-36.

DEED BOOK:14723 PAGE:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

PT-61 (Rev. 2/18) To be filed in **CHEROKEE COUNTY** PT-61 028-2021-015025

SECTION A – SELLER'S INFORMATION (Do not use agent's information)				SECTION C – TAX COMPUTATION	
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME Northside Hospital, Inc.				Exempt Code If no exempt code enter NONE	NONE
MAILING ADDRESS (STREET & NUMBER) Center Pointe - Bldg One, 1100 Johnson Ferry Rd Ste 400				1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown	\$3,899,076.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30342 USA		DATE OF SALE 11/4/2021		1A. Estimated fair market value of Real and Personal property	\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's information)				2. Fair market value of Personal Property only	\$0.00
BUYER'S BUSINESS / ORGANIZATION / OTHER NAME Accent Canton Atlanta, LP				3. Amount of liens and encumbrances not removed by transfer	\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) c/o McClure & Kornheiser, LLC, 6400 Powers Ferry Rd Ste 150				4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)	\$3,899,076.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30339 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial		5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)	\$3,899.10
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY CHEROKEE	CITY (IF APPLICABLE) CANTON		MAP & PARCEL NUMBER 91N03-022; 91N03-005A; 91N0 ...*		ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS
None

...* This symbol signifies that the data was too big for the field. The original values are shown below.
MAP & PARCEL NUMBER: 91N03-022; 91N03-005A; 91N03-005; 91N03-006...

Printed: 04/30/2024 16:19:02 PM



Official Tax Receipt
Cherokee County, GA
2780 Marietta Hwy
Canton, 30114
--Online Receipt--

Phone: 678-493-6400

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2023-16334	91N03023	LL 148; 14TH D PB 3 PG 242	\$36,064.98	\$0.00 Fees: \$0.00	\$0.00	\$36,064.98	\$0.00
Totals:			\$36,064.98	\$0.00	\$0.00	\$36,064.98	\$0.00

Paid Date: 09/25/2023

Charge Amount: \$36,064.98

ACCENT CANTON ATLANTA LP
C/O MCCLURE & KORNHEISER LLC 3715
NORTHSIDE PKWY NW BLDG 400 STE 375
ATLANTA, GA 30327



Scan this code with your
mobile phone to view this
bill



June 11, 2024

Eastwood Homes of Georgia
ATTN: Mr. Nick Whitson
1000 Mansell Exchange West, Bldg. 350
Alpharetta, GA 30040

Subjects: VAR2405-001 – Request to reduce required landscape buffer from 50' to 10', VAR2405-002 – Request to reduce building setback along external property lines from 50' to 10', VAR2405-003 – Request to place sidewalks along one side of street only, VAR2405-004 – Request to reduce sidewalk beauty strip from 2' to 1', VAR2405-005 – Request to eliminate required gates on private street(s) – Nick Whitson

Dear Mr. Whitson,

Please be advised that the Board of Appeals of the City of Canton DENIED all of the above requested variances during the public hearing held on June 10, 2024.

If you wish to appeal these denials, you must submit a written request for appeal to the Community Development Director within TEN (10) days of last evening's public hearing. This appeal will go to the Mayor and Council for consideration to hear the appeal. If they do not take up the appeal, then you may appeal to the Superior Court of Cherokee County. For your convenience I have included the UDC section which details the appeal process.

105.14.02 - Appeal from Canton Board of Zoning Appeals decision.

A. Any judgement or decision of the BZA is conclusive insofar as the individual appeal decided or the decision rendered may not be re-appealed to the BZA.

B. Any party aggrieved by any decision of the BZA may take an appeal to the city council, by submitting a letter of appeal to the community development director no later than ten days after the BZA decision has been rendered.

C. *City council discretion to review.* The letter of appeal shall be placed on an agenda at the city council's next regularly scheduled meeting, and the city council shall determine at such meeting whether it will consider the appeal. If the city council decides that it will consider the appeal, the appeal shall then be placed on the agenda at the first city council meeting to be held with sufficient time to provide notice with state law and the City of Canton Unified Development Code



for the conduct of a public hearing. A denial of a review by the City Council shall be an affirmation of the decision of the BZA, and shall constitute the final decision of the city council.

D. *Public hearing for appeal.* When hearing an appeal, the city council shall conduct a public hearing to receive oral or written evidence from the appellant, from the affected property owners, and from other interested parties as determined by the city council in its discretion. The city council shall confine the evidence to matters set forth in the decision of the BZA, the minutes of the BZA, and the applicant's notice of appeal. The proceedings shall be recorded and shall be open to the public.

D. *Decision of city council.* Upon conclusion of the public hearing, the city council shall consider the matter(s) under appeal and its action concerning the decision being reviewed. The city council's decision shall be announced either in a public meeting, following the hearing or at any other scheduled meeting. The decision of the City Council shall be in writing and shall: (a) affirm the decision of the BZA, (b) return the matter to the BZA for reconsideration, with or without direction, or (c) take such action by way of relief to the applicant as the city council deems appropriate and lawful. The decision of the city council shall be included in its meeting minutes and a written report thereof shall be sent to the appellant. Upon conclusion of the case or application, the community development director shall retain the record and all matters adduced at the city council.

F. *Appeal to superior court.* Appeal of a decision of the city council shall be to the Superior Court of Cherokee County by writ of certiorari within 30 days of the date of the decision.

If you have any questions, please feel free to contact me.

Sincerely,

City of Canton

A handwritten signature in black ink that reads "Steve Green". The signature is fluid and cursive.

Steve Green
Zoning Administrator

Cc

VAR2405-001, 002, 003, 004 and 005