

**Action Requested/Required:**

- ☐ Vote/Action Requested
☒ Discussion or Presentation Only
☐ Public Hearing
- Report Date: 8/28/24
Hearing Date: 10/3/24
Voting Date: 10/17/24

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

Agenda Item Title:

ANNX2405-008, RZON2404-011, and CUP2404-012 - 1610 and 1618 Butterworth Road, 8420 Knox Bridge Hwy. - Equity Land Partners LLC

Summary:

The applicant has submitted applications for the annexation, Conditional Use Permit and rezoning for 6.0108 acres located off of Butterworth Road and Knox Bridge Highway. The proposed development is 41 townhomes. The applicant also seeks a variance to the required 50' buffer where city and county jurisdictions abut one another.

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:

ANNX2404-008 Application
CUP2404-012 Application
RZON2404-011 Application
Survey and site plan
Community Input Meeting report



Community Development Department

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

Public Hearing Application

Project # ANNX 2405-008

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.

Equity Land Partners, LLC by

This form is to be executed under oath. I, Steve Tingas, Manager, 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, Steve Tingas, Manager, have received and thoroughly read the Public Hearing Procedures.



Applicant: Steve Tingas This 29 day of April, 2024. Tara D. Jones
Print Name: Steve Tingas, Manager

Applicant Information:

Name: Equity Land Partners, LLC
Address: 5383 Highland Pine Ln
City: Mableton
State: GA Zip Code: 30126
Telephone: 404-273-9757
Fax Number: _____
Email Address: ebchamberslaw@gmail.com

Owner Information:

Butterworth Investments 2, LLC
Name: Butterworth Investments, LLC
Address: 510 Gilmer Ferry Road
City: Ball Ground
State: Georgia Zip Code: 30107
Telephone: 770-605-6551
Fax Number: _____
Email Address: ebchamberslaw@gmail.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

Butterworth Investments 2, LLC
Butterworth Investments, LLC by

This form is to be executed under oath. I, Mike Lusk, Member, 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 30 day of April, 2024.

Owner Signature: [Signature]

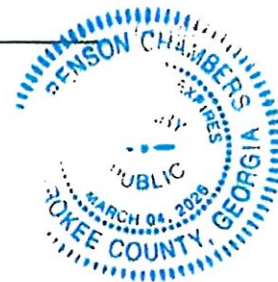
Print Name: Mike Lusk, Member

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 30 Day Of April, 2024.

Notary Signature: [Signature]





Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

Authorization Of Applicant

Butterworth Investments 2, LLC

Butterworth Innvestments, LLC, by

This form is to be executed under oath. I, Lee Lusk, Member, 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 13 day of August, 2024.

Owner Signature: [Signature] Print Name: Lee Lusk, Member

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 | ☐ 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 | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: [Signature: Steve Vargas, Mgr]

Mailing Address: 510 Gilmer Ferry Road

City: Ball Ground

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

Fax Number: _____

E-mail: ebchamberslaw@gmail.com

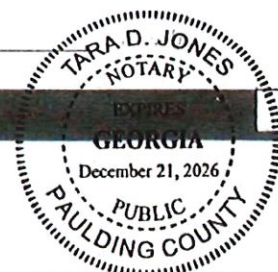
Applicant Status:

- | |
|--|
| ☐ Owner |
| ☒ Option to Purchase |
| ☐ Leasee |
| ☐ 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 29 Day Of April, 2024.

Notary Signature: Tara D. Jones

www.canton.ga.gov





Community Development Department

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

Authorization Of Applicant

Butterworth Investments 2, LLC
Butterworth Investments, LLC, by

This form is to be executed under oath. I, Lee Lusk, Member, 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 _____ day of _____, 20_____.

Owner Signature: _____ Print Name: Lee Lusk, Member

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 | ☐ 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 | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: [Signature]

Mailing Address: 510 Gilmer Ferry Road

City: Ball Ground

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

Fax Number: _____

E-mail: ebchamberslaw@gmail.com

Applicant Status:

- ☐ Owner
☒ Option to Purchase
☐ Leasee
☐ 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 _____ Day Of _____, 20_____.

Notary Signature: Tara D. Jones

www.canton.ga.gov





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

Authorization Of Applicant

Butterworth Investments 2, LLC
Butterworth Investments, LLC, by

This form is to be executed under oath. I, Mike Lusk, Member, 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 30 day of April, 2024.

Owner Signature: [Signature] Print Name: Mike Lusk, Member

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 | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
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| ☐ F Land Use Modification | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: _____

Mailing Address: 510 Gilmer Ferry Road

City: Ball Ground

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

Fax Number: _____

E-mail: ebchamberslaw@gmail.com

Applicant Status:

- ☐ Owner
☒ Option to Purchase
☐ Leasee
☐ 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 30 Day Of April, 2024.

Notary Signature: [Signature]





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

Property Information:

Address: 8420 Knox Bridge Hwy; 1610 & 1618 Butterworth Road, Canton, GA 30114
Land Lot(s): 91 District: 14 Section: 2 Map #: 14N12A Parcel #: 058, 059, 060

Existing Zoning Of Property: GC & R-40 ☐ City ☐ County Total Acreage Of Property: 6.0108
Proposed Zoning Of Property: R-8 Existing Use(s) Of Property: Vacant

Directions to property from Main Street in downtown Canton:

Waleska St, Left on Marietta Hwy, bear right onto Knox Bridge Hwy, Property on left approximately
1200 feet prior to the intersection of Knox Bridge Hwy and Butterworth Road

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.

	<u>OWNER NAME/ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	<u>See Attached Exhibit "A"</u>		
SOUTH	<u></u>		
EAST	<u></u>		
WEST	<u></u>		
OTHER	<u></u>		

UTILITY INFORMATION

How is sewage from this development to be managed?

Proposed managing jurisdiction:

How will water be provided to the site?

Proposed managing jurisdiction: Size Limit:

EXHIBIT "A"

ADJACENT PROPERTY OWNERS

<u>OWNER NAME/ ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH:		
Village At River Green 2305 Log Cabin Dr. Atlanta, GA 30339	PD-Mixed Use	Vacant
Georgia Trailer & Equipment 4926 Willow Lane Marietta, GA 30066	GC	Sales & Rental
SOUTH:		
Mike Green Charlene McGee 191 Rose Ridge Dr. Canton, GA 30114	R-40	Residential
Kathy Joan Fowler 225 Serenoa Drive Canton, GA 30114	R-20	Residential
EAST:		
IH3 Property Georgia, LP 1717 Main Street Dallas, TX 75201	R-20	Residential
Silvestre Guzman Edillia Navarrete 8430 Knox Bridge Hwy Canton, GA 30114	GC	Residential
WEST:		
Persian Enterprises, LLC PO Box 8719 Atlanta, GA 31106	GC	Commercial/Vanant



Community Development Department

110 Academy Street, Canton, Georgia 30114
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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

MIDDLE Teasley

ELEMENTARY Knox

TRAFFIC INFORMATION

Road/Street providing access: Knox Bridge Hwy

Width at property: (Road) 56 (Right-of-way) Variable

Distance to nearest major thoroughfare: 6500 +/- Thoroughfare Name: Marietta Hwy

Description of Road accessing property (Classification): Multi Lane State Hwy

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

☐ Elevation Plans

☒ Petition Requesting Annexation

☐ Other (please explain) _____



Community Development Department

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

(Application Type A : ONLY)

Address of Property to be Annexed: 8420 Knox Bridge Hwy; 1610 & 1618 Butterworth Rd, Canton 30114

Land Lot(s): 91 District: 14 Section: 2 Map #: 14N12A Parcel #: 058, 059, 065

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of the Land:

- ☒ Residential ☐ Other (Specify) _____
☐ Commercial ☐ Existing Structures _____
☐ Vacant

2. Number of persons currently residing on the property: 0; Number 18 years or older: 0;
Number registered to vote: 0

3. The number of all residents occupying the property:

- 0 American Indian 0 Alaskan Native
0 Asian 0 Pacific Islander
0 Black, not of Hispanic Origin 0 Hispanic
0 White, not of Hispanic Origin

4. Please attach the following information as Exhibit "C". The Atlanta Regional Commission requires this information so that they can provide Population Estimates.

- (1) Number of Existing Housing Units
- (2) List of addresses for each housing unit in the annexed area at the time of the annexation
- (3) Disposition of existing structures (e.g. to be Demolished, Moved, or Converted)
- (4) Names of affected subdivision
- (5) Names of affected multi-family complex.
- (6) Names of group quarters (such as school dormitories, nursing homes or jails)
- (7) Names of affected duplexes
- (8) Names of Mobile Home Parks

I/We the undersigned, being the owner(s) of real property of the territory described herein, respectfully request that the Mayor and City Council of the City of Canton, Georgia annex this property into the City and extend the City boundaries to include the same.

Butterworth Investments 2, LLC & Butterworth Investments, LLC

[Signature]
Property Owner's Signature

4-30-24
Date

Mike Lusk, Member

Property Owner's Printed Name

Sworn To and Subscribed Before Me This 30 Day Of April, 2024.

Notary Signature: [Signature]





Community Development Department

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

Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? _____

(See Addendum "A-1")

How will this proposal affect the use and value of surrounding properties? _____

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

What would be the increase to population and traffic if the proposal were approved? _____

What would be the impact to schools and utilities if the proposal were approved? _____

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

Are there existing or changing conditions which affect the development of the property and support the proposed request? _____

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

ADDENDUM "A-1"

REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Surrounding properties consist of several different types of uses and zoning classifications. These include half acre residential, acre residential, commercial, and PD-Mixed Use. Within the PD-Mixed Use there exists mixed uses and densities, including single family residential, townhomes, and institutional use as a daycare. The proposal is for residential which would be compatible with surrounding uses.

How will this proposal affect the use and value of surrounding properties?

The surrounding properties consist of a mix of older and newer structures, as well as a newly constructed convenience store, therefore as a newly residential community the proposal is expected to have a positive affect on the use and value of surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned?

All properties have an economic use, but not all economic uses are reasonable. The property lies on a State Highway with two travel lanes in both directions. This road type has a negative impact on the one-acre residential requirement. That area of the property zoned general commercial and other commercial properties nearby have been available and vacant for many years indicating that the GC classification is not desirable and therefore not a reasonable economic use.

What would be the increase to population and traffic if the proposal were approved?

All residential properties development for the first time will add some increase to population and traffic, however, the subject property fronts a state highway with four lanes and has direct access to I-575 thereby relieving any impact on traffic. The proposal is for 41 townhomes which tend to be occupied by 1 or 2 people with a reasonable projection of an increase in population approximately 62 persons.

What would be the impact to schools and utilities if the proposal were approved?

With the expectation that townhomes would be occupied by 1 to 2 persons the impact would be an approximate increase of 30 to 40 children spread over 12 grades, kindergarten, and pre-kindergarten.

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

The future land use plan shows this property located in the SDA Suburban Development character area. The RA-8 classification appears as a potential classification in this character area.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

The area along Knox Bridge Hwy and its intersection with Butterworth Road has been evolving and growing since the development of River Green. Changes, improvements, and expansion of roadways have occurred. Also, an increase in the availability of different types of residential structures and new commercial growth.



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

Canton Board of Appeals Review Criteria

Article H, Section 8-8-H-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? _____ See Addendum "A" _____

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

Has the condition from which relief or variance is sought been a result from action by the applicant? _____

Are there conditions peculiar to the subject property? _____

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? _____

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

ADDENDUM "A"

CANTON BOARD OF APPEALS REVIEW CRITERIA

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

Yes. The property size is limited to 6.018 acres causing the property's use to be negatively affected by the requirement and placement of buffers along the boundaries. Of the total acreage of 6.018 acres, 0.5526 rectangle tract fronting on the easterly right of way of Butterworth Road is unusable because of the required 50-foot buffer along boundaries with properties located in the county. Because of the un-usability of the rectangle tract, only 4.4654 acres remain usable or 11 percent of the overall property. Additionally, the eastern boundary of the property is affected by a draw affecting the topography. Because of these limitations, the Applicant is requesting a reduction in the required 50-foot buffer along the eastern boundary to 25 feet.

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

Yes, as indicated above, the application and requirement of a 50-foot buffer along boundaries with properties in the county creates an unnecessary hardship for the Applicant due to the loss of usable property.

Has the condition from which relief or variance is sought been a result from action by the applicant?

No. A review of the chain of title for the subject property reveals that its size, shape and topography have remained unchanged for many years through many owners. The applicant has taken no action with reference to changes in the property as it exists.

Are these conditions peculiar to the subject property?

Yes. Most if not all properties are unique in character and condition. While some properties may have some of the same negatives as the subject property, it appears that no other property in the area has the obstacles described in this review affecting them.

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 of the inhabitants or the City?

No. Buffers are designed to create some unused areas between properties. The property, with is located in the county, was developed without any buffer. The requirement of a buffer by

Addendum "A"
Pg 2.

the City, even at a reduced footage would create a benefit to the adjoining property and have no effect on the public good.



EUGENE B. CHAMBERS
ATTORNEY AT LAW
HISTORIC JONES & CLOUD BUILDING
121 EAST MAIN STREET
P. O. BOX 4446
CANTON, GA. 30115

April 23rd, 2024

Mayor and City Council Members
City of Canton
110 Academy Street
Canton, GA 30114

RE: Applicant: Equity Land Partners, LLC
 Letter of Intent

Greetings:

The Applicant, Equity Land Partners, LLC, has 6.0108 acres located in the Southeasterly corner of Georgia Hwy 20 (Knox Bridge Hwy) and Butterworth Road. The property is currently split zoned with general commercial (GC) along the frontage of Georgia Hwy 20 and one acre residential (R-40) on the balance of the property. The Applicant is seeking annexation into the City of Canton and applying for a city zoning classification of RA-8 for 41 townhomes, additionally the applicant is asking for a variance on the East boundary which would be for a reduction of the required 50-foot buffer to 25 feet. Except for the bounding property on the North which lies within the city limits of Canton, the balance of the bounding property lies within Cherokee County.

The adjacent zoning classification consist of PD-Mixed Use (City) lying on the North, GC and One acre and one-half acre residential (R-40 and R-20 in the county) on the East, One acre and one half acre residential (R-40 and R-20 in the county), and General Commercial and one acre residential (GC and R-40 in the county). Other zoning classifications nearby and within the City Limits of Canton include R-4 residential, R-10 residential, and RM-15 multi-family residential.

The subject property lies within the agreed upon growth boundary area with Cherokee County. The property also lies within the City of Canton service area. The neighborhood will have all utilities available to it, including water and sewer service provided through the City of Canton public works.

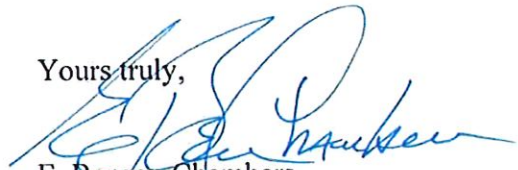
The Applicant has chosen not to have access to the community from Butterworth Road in an effort to discourage additional vehicles from Butterworth Road and its intersection with Georgia Hwy 20. The access for the neighborhood will be on Georgia Hwy 20, which is a full access four lane state highway along the frontage of the subject property. Placement of the only access on Georgia Hwy 20 should encourage vehicle usage on Georgia Hwy 20 from Marietta Highway (Georgia Hwy 5) with direct access to I-575.

404-273-9757
ebchamberslaw@gmail.com

The Applicant believes that this neighborhood will incorporate aspects of the Road Map for Success adopted by the City and will provide additional and alternative types of residential units for this area of the City. The neighborhood will improve infrastructure for future demands, create a diverse and great community. The design and layout provide for open area and buffers which will sustain the natural environment of the area.

On behalf of the Applicant thank you for taking your time for consideration of the neighborhood and project for zoning, annexation and variance.

Yours truly,



E. Benson Chambers
Attorney for the Applicant
Equity Land Partners, LLC

Return Recorded Document to:
SELLERS & WARREN, P.C.
ATTORNEYS AT LAW
115 Woodland Way, Suite 100
Canton, GA 30114

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #: 191823

THIS INDENTURE made this 28th day of August, 2019, between Billy Joe Kennemur and Paul W. Kennemur, of the County of Cherokee, State of Canton, GA, as party or parties of the first part, hereinafter called Grantor, and Butterworth Investments 2 LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land lying and being in Land Lot 91 of the 14th District, 2nd Section, Cherokee County, Georgia, being 4.483 acres of land as per plat of survey for Paul W. Kennemur and Billy Joe Kennemur dated January 27, 1998, prepared by Ted S. Chadwick Georgia RLS and recorded in Plat Book 55, Page 183, Cherokee County, Georgia Records, said plat being incorporated herein by reference thereto.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee, forever in **FEE SIMPLE**.

AND THE SAID party of the first part, for its heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its heirs, successors and/or assigns, against the claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Bobbie Coward
Witness

Kim Sell
Notary Public



Billy Joe Kennemur
Billy Joe Kennemur
Paul W. Kennemur
Paul W. Kennemur

Rec: \$14.00 TRANSFER TAX \$35.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

AFTER RECORDING RETURN TO:
SELLERS & WARREN, PC
115 WOODLAND WAY, STE. 100
CANTON, GA 30114

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #191811

EXECUTOR'S DEED

THIS INDENTURE, made this 15th day of AUGUST in the year of our Lord Two Thousand Nineteen (2019), between **DAVID W. MILLHOF, EXECUTOR OF THE LAST WILL AND TESTAMENT OF WILLIE MAE JOHNSON**, late of the State of Georgia, and County of **CHEROKEE**, deceased, of the First Part (hereinafter called "Grantor") and **BUTTERWORTH INVESTMENTS 2, LLC**, of the State of Georgia and County of **CHEROKEE**, of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That the said Grantor (acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Court of Probate of **CHEROKEE** County, Georgia, and all debts, including all Federal and State Estate taxes, having been paid in full), for and in consideration of the sum of \$10.00 DOLLARS and other good and valuable considerations, in hand paid, at and before the sealing and delivery of these presents (receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee,

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever, IN FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, by the said deceased.

Rec: \$14.00 TRANSFER TAX \$35.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal, the day and
year first above written.

Daniel P. Mason
WITNESS

David W. Millhof (SEAL)
DAVID W. MILLHOF, AS EXECUTOR OF THE
LAST WILL AND TESTAMENT OF WILLIE
MAE JOHNSON

Kim Sellers
NOTARY PUBLIC



EXHIBIT "A"

All those tracts or parcels of land lying and being in the 14th District, 2nd Section of Cherokee County, Georgia, and being a part of original Land Lot No. 91, and being Lot No. 25 of the Johnnie Sims property according to plat recorded in Plat Book 1, Page 111, to which reference is made.

BEGINNING at a Marble Monument located 201 feet South 37 $\frac{3}{4}$ degrees West from a Marble Monument located on the South side of Georgia Highway 20; thence South 81 $\frac{1}{2}$ degrees East for 260.8 feet to a Marble Monument; thence South 36 $\frac{1}{2}$ degrees West for 369 feet to a Marble Monument; thence North 6 $\frac{1}{2}$ degrees West for 338 feet to the Marble Monument at the beginning point.

There is also conveyed herein a right of way for a drive-way across Lot No. 19 of said subdivision; said right of way being described as follows: BEGINNING at an iron pin located 180 feet South 6 $\frac{1}{2}$ degrees East of the Marble Monument described as the beginning point above; thence South 8 feet to an iron pin; thence West along the South line of Lot No. 19 of said Subdivision for 200 feet to the East side of the Sims Butterworth Road; thence North along the East side of said Road for 8 feet; thence East for 200 feet to the iron pin at the beginning point, being a road 8 feet wide and 200 feet long running from Lot No. 25 to the Sims Butterworth Road through Lot No. 19 on the South side of said lot.

This being the same property deeded Odell and Sadie Thompson by D. J. McCurley, Sr. by Deed recorded in Deed Book 41, Page 344 Cherokee County Deed Records. Further reference is hereby made by Deed from Odell and Sadie Thompson to C. C. Ray, as recorded in Deed Book 55, page 425. This also being the same property set aside as a Twelve Months Support for Benalee Ray, widow of Charlie C. Ray late of said County, deceased, as Recorded in the Cherokee County Ordinary's Office, Year's Support Book C, page 90. This also being the same property deeded Mr. and Mrs. Jess William Johnson, Jr. and recorded in Deed Record Book 81, page 422, Cherokee County Deed Records. This also being the same property deeded by Jess William Johnson, Jr. to Willie Mae Johnson, dated July 12, 1983, recorded August 2, 1983 at Deed Book 361, page 150 Cherokee County Deed Records.

Return to:
Hartmanlaw, LLC
145 Towne Lake Parkway
Ste 200
Woodstock, GA 30188
DEED SERVICE ONLY

STATE OF GEORGIA
COUNTY OF CHEROKEE

WARRANTY DEED

This Indenture, made this 30th day of May, 2018, by and between Taylor Eugene Weaver, of the State of Georgia, County of Cherokee hereinafter "Grantor" and BUTTERWORTH INVESTMENTS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, hereinafter "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, sell, alien, convey and confirm unto the said Grantee all of his right, title and interest in and to the following tract or parcel of land:

ALL THAT TRACT OR PARCEL of land lying and being in the subdivision of the Johnny Sims property as shown by plat of survey by Lat Ridgeway, R.S. on January 16, 1954, and recorded in Plat Book 1, Page 111, Clerk's Office, Superior Court of Cherokee County, Georgia, the same being located in original Lot of Land No. 91, of the 14th Land District, and 2nd Section of Cherokee County, Georgia, and being Lot No. 20 more particularly described as follows: Lying on the East side of the Sims-Butterworth Road, beginning at the northwest corner of Lot No. 20, thence running in an Easterly direction 231 feet to the Northeast corner of said Lot; thence South 6 degrees East 100 feet to the Southeast corner of said Lot; thence in a Westerly direction 210.4 feet to the Southwest corner of said Lot located on the East side of said Sims-Butterworth Road, thence in a northerly direction along the East side road 120 feet to point of beginning.

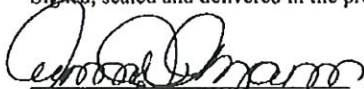
Subject to all mortgages, easements, covenants and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper benefit and behoof of the Grantee forever in FEE SIMPLE.

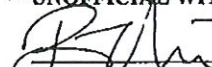
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


UNOFFICIAL WITNESS

 (seal)
TAYLOR EUGENE WEAVER


NOTARY PUBLIC



2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-30028	11/15/2023	\$0.00	\$1,357.56	\$0.00	Paid 11/20/2023

Map: 14N12A 058

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: KNOX BRIDGE HWY

BUTTERWORTH INVESTMENTS 2 LLC
510 GILMER FERRY RD
BALLGROUND, GA 301073202

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 058 Real
Description: LL 91 D14
Location: KNOX BRIDGE HWY
Bill No: 2023-30028
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
7,555.00	123,045.00	4.4800	\$130,600.00	11/15/2023			
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax
COUNTY M&O	\$130,600	\$52,240	\$0	\$52,240	4.954000	\$0.00	\$258.80
COUNTY WIDE FIRE DIST	\$130,600	\$52,240	\$0	\$52,240	2.764000	\$0.00	\$144.39
INS PREMIUM CREDIT	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00
PARKS BOND	\$130,600	\$52,240	\$0	\$52,240	0.319000	\$0.00	\$16.66
SCHOOL BOND	\$130,600	\$52,240	\$0	\$52,240	1.500000	\$0.00	\$78.36
SCHOOL M&O	\$130,600	\$52,240	\$0	\$52,240	16.450000	\$0.00	\$859.35
STATE TAX	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00
TOTALS					25.987000	\$0.00	\$1,357.56

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors' office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$1,357.56
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$1,357.56
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

2023 Property Tax Statement

	Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
Denise Mastroserio Cherokee County Tax Commissioner 2780 Marietta Hwy Canton, GA 30114	2023-30029	11/15/2023	\$0.00	\$430.27	\$0.00	Paid 02/01/2024

Map: 14N12A 059

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: 1618 BUTTERWORTH RD

BUTTERWORTH INVESTMENTS 2 LLC
107 ROSEBURY DR
CANTON, GA 30115

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 059 Real
Description: OFF BUTTERWORTH RD
Location: 1618 BUTTERWORTH RD
Bill No: 2023-30029
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
2,500.00	37,800.00	0.0000	\$40,300.00	11/15/2023				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax	
COUNTY M&O	\$40,300	\$16,120	\$0	\$16,120	4.954000	\$0.00	\$79.86	
COUNTY WIDE FIRE DIST	\$40,300	\$16,120	\$0	\$16,120	2.764000	\$0.00	\$44.56	
INS PREMIUM CREDIT	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00	
PARKS BOND	\$40,300	\$16,120	\$0	\$16,120	0.319000	\$0.00	\$5.14	
SCHOOL BOND	\$40,300	\$16,120	\$0	\$16,120	1.500000	\$0.00	\$24.18	
SCHOOL M&O	\$40,300	\$16,120	\$0	\$16,120	16.450000	\$0.00	\$265.17	
STATE TAX	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00	
TOTALS					25.987000	\$0.00	\$418.91	

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$418.91
Penalty	\$0.00
Interest	\$11.36
Other Fees	\$0.00
Previous Payments	\$430.27
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	02/01/2024

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

HAPPY TRAILS PROPERTIES LLC &
BUTTERWORTH INVESTMENTS LLC
510 GILMER FERRY RD
BALL GROUND, GA 30107

RETURN THIS PORTION WITH PAYMENT
(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-57018	11/15/2023	\$0.00	\$313.92	\$0.00	Paid 11/20/2023

Map: 14N12A 065

Printed: 04/24/2024

Location: BUTTERWORTH RD

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: HAPPY TRAILS PROPERTIES LLC &
Map Code: 14N12A 065 Real
Description: BUTTERWORTH RD
Location: BUTTERWORTH RD
Bill No: 2023-57018
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
0.00	30,200.00	0.0000	\$30,200.00	11/15/2023			
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax
COUNTY M&O	\$30,200	\$12,080	\$0	\$12,080	4.954000	\$0.00	\$59.84
COUNTY WIDE FIRE DIST	\$30,200	\$12,080	\$0	\$12,080	2.764000	\$0.00	\$33.39
INS PREMIUM CREDIT	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00
PARKS BOND	\$30,200	\$12,080	\$0	\$12,080	0.319000	\$0.00	\$3.85
SCHOOL BOND	\$30,200	\$12,080	\$0	\$12,080	1.500000	\$0.00	\$18.12
SCHOOL M&O	\$30,200	\$12,080	\$0	\$12,080	16.450000	\$0.00	\$198.72
STATE TAX	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00
TOTALS						25.987000	\$0.00 \$313.92

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If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$313.92
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$313.92
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

LEGAL DESCRIPTION

OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING ALONG THE RIGHT OF WAY SOUTHERLY TO AN IRON PIN FOUND AND THE **TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 184.34 FEET WITH A RADIUS OF 1512.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 86 DEGREES, 58 MINUTES, 27 SECONDS EAST A CHORD DISTANCE OF 184.23 FEET TO A POINT, THENCE NORTH 07 DEGREES, 02 MINUTES, 31 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY OF GEORGIA HWY 20 A DISTANCE OF 15.07 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 158.40 FEET WITH A RADIUS OF 1497.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 80 DEGREES, 12 MINUTES, 10 SECONDS EAST A CHORD DISTANCE OF 158.33 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 24 DEGREES, 35 MINUTES, 05 SECONDS EAST A DISTANCE OF 175.55 FEET TO AN IRON PIN FOUND; THENCE SOUTH 25 DEGREES, 27 MINUTES, 06 SECONDS EAST A DISTANCE OF 196.88 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 59 MINUTES, 05 SECONDS WEST A DISTANCE OF 312.79 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 47 MINUTES, 34 SECONDS WEST A DISTANCE OF 242.02 FEET TO AN IRON PIN FOUND; THENCE NORTH 32 DEGREES, 16 MINUTES, 25 SECONDS WEST A DISTANCE OF 149.26 FEET TO A POINT; THENCE NORTH 06 DEGREES, 11 MINUTES, 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, THENCE SOUTH 78 DEGREES, 22 MINUTES, 57 SECONDS WEST A DISTANCE OF 210.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD (50 FOOT R/W), THENCE NORTH 16 DEGREES, 43 MINUTES, 47 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD A DISTANCE OF 120.0 TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 83 DEGREES, 23 MINUTES, 12 SECONDS EAST A DISTANCE OF 230.47 FEET TO A POINT; THENCE NORTH 06 DEGREES, 34 MINUTES, 28 SECONDS WEST A DISTANCE OF 187.24 FEET TO A POINT; THENCE NORTH 37 DEGREES, 42 MINUTES, 08 SECONDS EAST A DISTANCE

OF 151.16 TO A POINT AND THE TRUE POINT OF BEGINNING. CONTAINING 6.0108
ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACT 1 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTEL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUTING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND AND THE **TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 184.34 FEET WITH A RADIUS OF 1512.39 FEET, BEING SUBTENDE BY A CHORD BEARING OF NORTH 86 DEGREES, 58 MINUTES, 27 SECONDS EAST A CHORD DISTANCE OF 184.23 FEET TO A POINT, THENCE NORTH 07 DEGREES, 02 MINUTES, 31 SECONDS WEST ALONG THE EASTERLY RIGH OF WAY OF GEORGIA HWY 20 A DISTANCE OF 15.07 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 158.40 FEET WITH A RADIUS OF 1497.39 FEET, BEING SUBTENDE BY A CHORD BEARING OF NORTH 80 DEGREES, 12 MINUTES, 10 SECONDS EAST A CHORD DISTANCE OF 158.33 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 24 DEGREES, 35 MINUTES, 05 SECONDS EAST A DISTANCE OF 175.55 FEET TO AN IRON PIN FOUND; THENCE SOUTH 25 DEGREES, 27 MINUTES, 06 SECONDS EAST A DISTANCE OF 196.88 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 59 MINUTES, 05 SECONDS WEST A DISTANCE OF 312.79 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 47 MINUTES, 34 SECONDS WEST A DISTANCE OF 242.02 FEET TO AN IRON PIN FOUND; THENCE NORTH 32 DEGREES, 16 MINUTES, 25 SECONDS WEST A DISTANCE OF 149.26 FEET TO A POINT; THENCE NORTH 36 DEGREES, 30 MINUTES, 00 SECONDS EAST A DISTANCE OF 368.54 FEET TO AN IRON PIN FOUND; THENCE NORTH 81 DEGREES, 32 MINUTES, 57 SECONDS WEST A DISTANCE OF 260.76 FEET TO AN IRON PIN; THENCE NORTH 37 DEGREES, 42 MINUTES, 08 SECONDS EAST A DISTANCE OF 151.16 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 1 CONTAINING 4.4845 ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

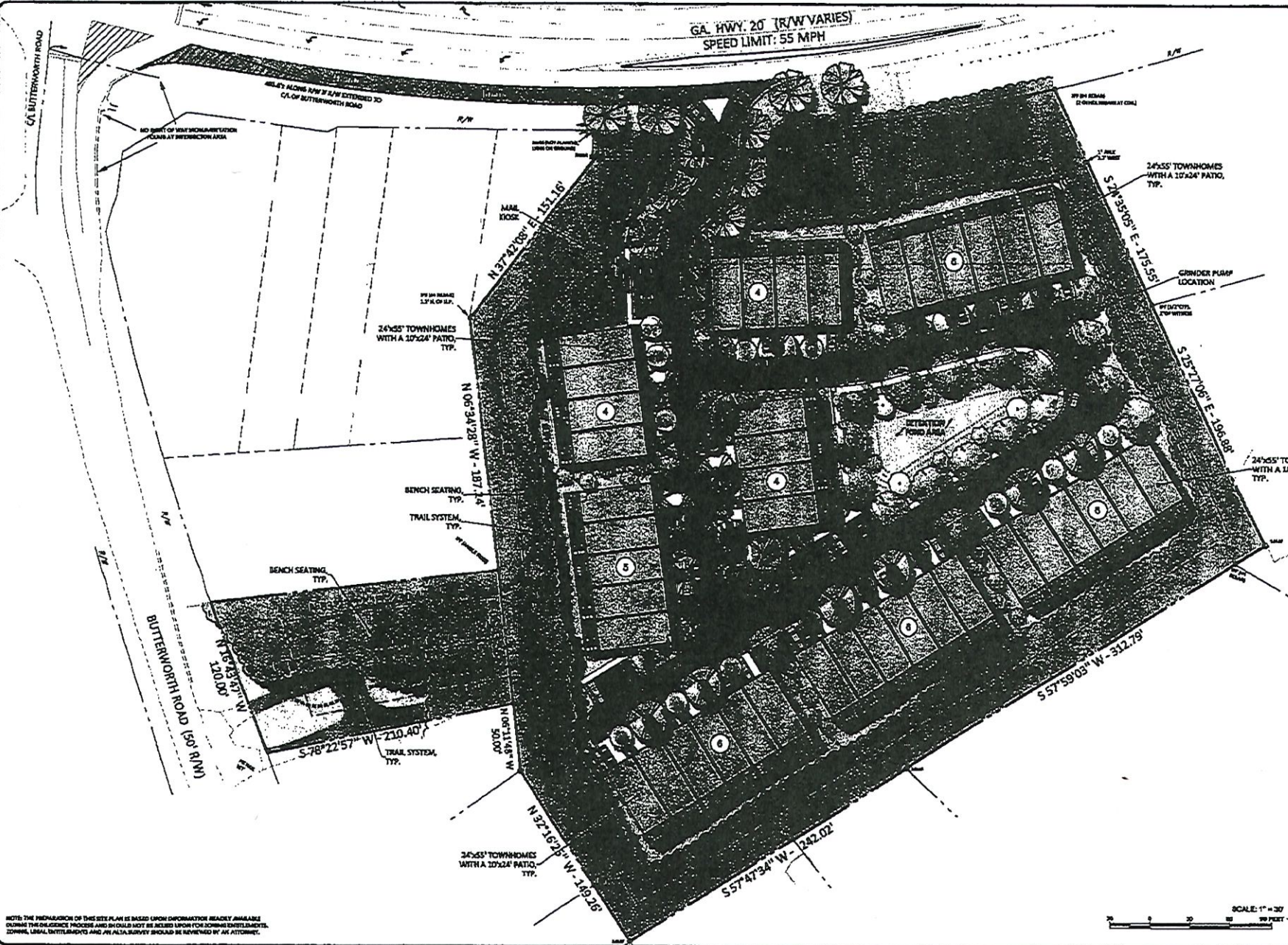
TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND; THENCE SOUTH 37 DEGREES, 42 MINUTES, 08 SECONDS WEST A DISTANCE OF 151.16 FEET TO A POINT AND THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 81 DEGREES, 32 MINUTES, 57 SECONDS EAST A DISTANCE OF 260.76 FEET TO A POINT; THENCE SOUTH 36 DEGREES, 30 MINUTES, 00 SECONDS WEST A DISTANCE OF 368.84 FEET TO A POINT; THENCE NORTH 06 DEGREES, 11 MINUTES, 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 06 DEGREES, 43 MINUTES, 58 SECONDS WEST A DISTANCE OF 99.78 FEET TO A POINT; THENCE NORTH 06 DEGREES, 34 MINUTES, 28 SECONDS WEST A DISTANCE OF 187.24 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 2 CONTAINING 0.9736 ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND; THENCE SOUTH 37 DEGREES, 42 MINUTES, 08 SECONDS WEST A DISTANCE OF 151.16 FEET TO A POINT; THENCE SOUTH 06 DEGREES, 34 MINUTES, 28 SECONDS EAST A DISTANCE OF 187.24 FEET TO A POINT AND THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 06 DEGREES 43 MINUTES, 58 SECONDS EAST A DISTANCE OF 99.78 FEET TO A POINT; THENCE SOUTH 78 DEGREES, 22 MINUTES, 57 SECONDS WEST A DISTANCE OF 210.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD (50 FOOT R/W); THENCE NORTH ALONG SAID RIGHT OF WAY NORTH 16 DEGREES, 43 MINUTES, 47 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 83 DEGREES, 23 MINUTES, 12 SECONDS EAST A DISTANCE OF 230.47 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 3 CONTAINING .5526 ACRES PER SAID SURVEY



NOTES: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE DURING THE DESIGN PROCESS AND SHOULD NOT BE RELIED UPON FOR CONSTRUCTION. SURVEY, LEGAL, ENVIRONMENTAL AND AERIAL SURVEY SHOULD BE REVIEWED BY AN ATTORNEY.

SCALE: 1" = 30'

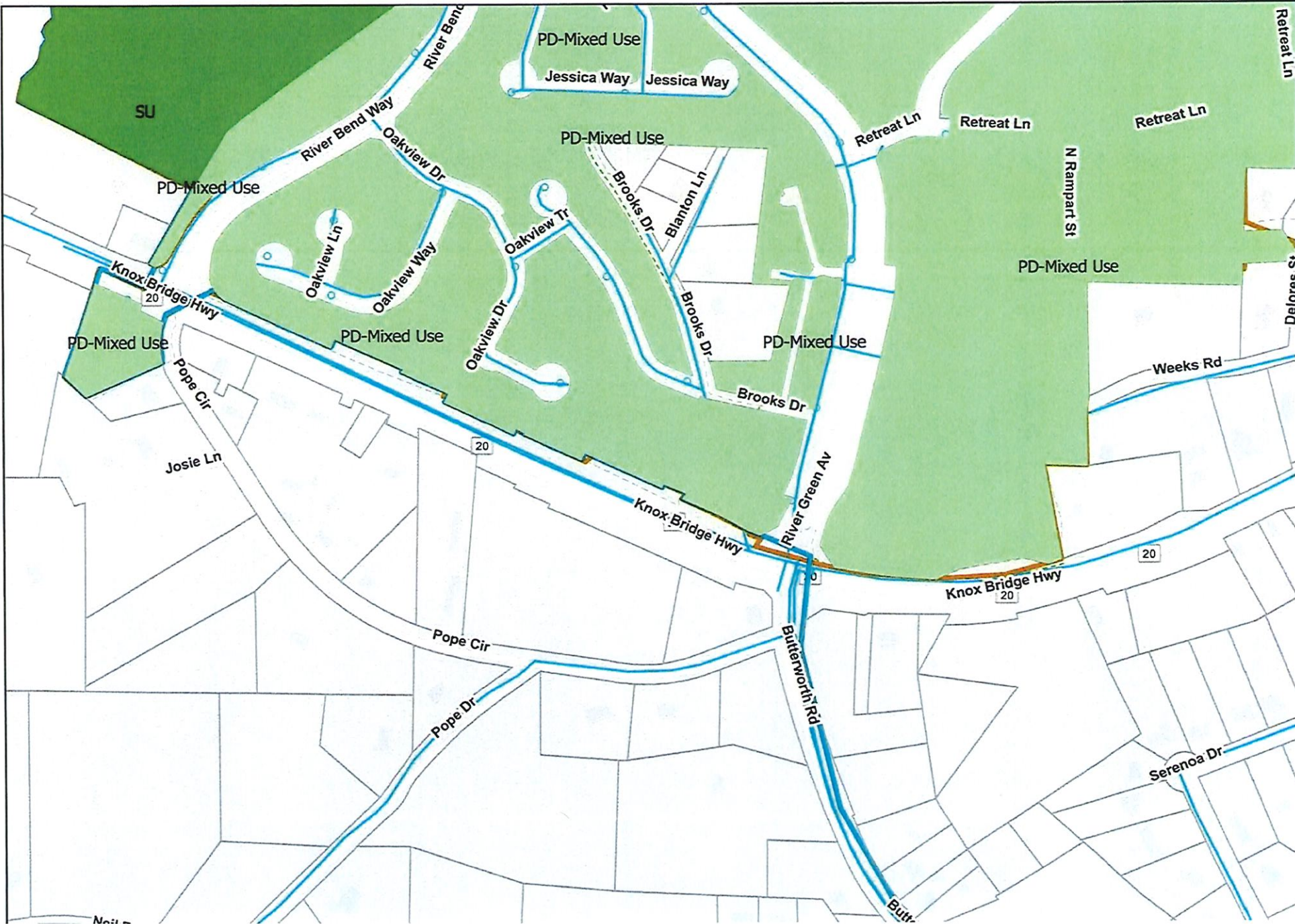


civilocstix
800 SUN VALLEY DRIVE, STE 111, ROSWELL, GA 30074
(404) 591-4101 - info@civilocstix.com

RENDERED CONCEPT PLAN
BUTTERNORTH RD TOWNHOMES
BLVD KATZ MARKET HWY
CANTON, GA 30114

RCP5
23313
APRIL 29, 2024

City of Canton Map



IN RE: EQUITY LAND PARTNERS, LLC

NOTICE OF CONSTITUTIONAL CHALLENGE

-1-

In accordance with the instructions attached to the zoning application, and in order to protect our rights for using our property at the highest and best use, and in a constitutional manner, we therefore submit that we have a constitutional issue to present in this case.

-2-

The classification of the subject property within the GC & R-40 Zoning Classification within which the owners proposed use is prohibited as not being a permitted use by the City of Canton Zoning Ordinances is unconstitutional, null and void in that such restriction effectively prohibits the owners to a use which is unreasonable and uneconomically suited; and, is thereby the equivalent of a substantial destruction of valuable rights of the owners without payment of just and adequate compensation in violation of the Compensation Clause of the 5th Amendment to the United States Constitution, Article 1, Section 3, Paragraph 1 of the Constitution of the State of Georgia, 1983, and the provisions of O.C.G.A. § 22-1-5.

-3-

A refusal by the City of Canton to rezone our property as requested so as to permit a reasonable economic return on investment and a highest and best use or reasonable use of the property, would therefore be unconstitutional null and void and that this refusal is arbitrary capricious without a rational basis and thus constitutes an abuse of discretion which would affect the restricted property to a use to which it is unsuited. This action by the governing authority would effectually prohibit the owners from using their property for a use which is best suited and would constitute a taking of the owner's property in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia 1983, and the due process clause of the 14th Amendment to the Constitution of the United States.

-4-

Please be advised that the continued application of the GC & R-40 zoning classification to the owner's property results in little or no gain to the public in general and fails to promote the health, safety or morals of general welfare of the public and further does not bear fair and substantial relation to the objectives of the zoning ordinance, and would constitute a substantial construction of the property value of owners, and is confiscatory and void.

Respectfully submitted on behalf of Applicant



E. BENSON CHAMBERS

Attorney for Equity Land Partners, LLC.



Cherokee County, GA



Legend

- Parcels
- Parcels

Knox Bridgetway (20)

Butterworth Road

1: 4,407



Location Map

Notes

734.6 0 367.28 734.6 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Community Development Department

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

Public Hearing Application

Project # RZ2404 - 011

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.

Equity Land Partners, LLC by

This form is to be executed under oath. I, Steve Tingas, Manager, 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, Steve Tingas, Manager, have received and thoroughly read the Public Hearing Procedures.



Applicant: Steve Tingas This 29 day of April, 2024
Print Name: Steve Tingas, Manager

Applicant Information:

Name: Equity Land Partners, LLC
Address: 5383 Highland Pine Ln
City: Mableton
State: GA Zip Code: 30126
Telephone: 404-273-9757
Fax Number: _____
Email Address: ebchamberslaw@gmail.com

Owner Information:

Butterworth Investments 2, LLC
Name: Butterworth Investments, LLC
Address: 510 Gilmer Ferry Road
City: Ball Ground
State: Georgia Zip Code: 30107
Telephone: 770-605-6551
Fax Number: _____
Email Address: ebchamberslaw@gmail.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

Butterworth Investments 2, LLC
Butterworth Investments, LLC by

This form is to be executed under oath. I, Mike Lusk, Member, 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 30 day of April, 2024.

Owner Signature: [Signature]

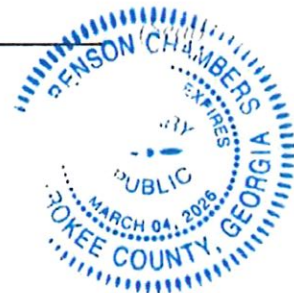
Print Name: Mike Lusk, Member

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 30 Day Of April, 2024.

Notary Signature: [Signature]





Community Development Department

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

Authorization Of Applicant

Butterworth Investments 2, LLC
Butterworth Investments, LLC, by

This form is to be executed under oath. I, Lee Lusk, Member, 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 _____ day of _____, 20_____.

Owner Signature: _____ Print Name: Lee Lusk, Member

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 | ☐ 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 | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: [Signature] Mgr

Mailing Address: 510 Gilmer Ferry Road

Applicant Status:

City: Ball Ground

- ☐ Owner
☒ Option to Purchase
☐ Lensee
☐ Aren Resident
☐ Other (Explain): _____

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

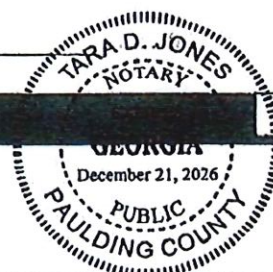
Fax Number: _____

E-mail: ebchamberslaw@gmail.com

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

Notary Signature: Tara D. Jones

www.canton.ga.gov





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

Authorization Of Applicant

Butterworth Investments 2, LLC
Butterworth Investments, LLC, by

This form is to be executed under oath. I, Mike Lusk, Member, 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 30 day of April, 20 24.

Owner Signature: [Signature]

Print Name: Mike Lusk, Member

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 | ☐ 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 | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: _____

Mailing Address: 510 Gilmer Ferry Road

Applicant Status:

City: Ball Ground

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

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

Fax Number: _____

E-mail: ebchamberslaw@gmail.com

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 30 Day Of April, 20 24.

Notary Signature: [Signature]





Community Development Department

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

(Application Type A : ONLY)

Address of Property to be Annexed: 8420 Knox Bridge Hwy; 1610 & 1618 Butterworth Rd, Canton 30114

Land Lot(s): 91 District: 14 Section: 2 Map #: 14N12A Parcel #: 058, 059, 065

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of the Land:

- ☒ Residential ☐ Other (Specify) _____
☐ Commercial ☐ Existing Structures _____
☐ Vacant _____

2. Number of persons currently residing on the property: 0; Number 18 years or older: 0;
Number registered to vote: 0

3. The number of all residents occupying the property:

- | | |
|--|---------------------------|
| <u>0</u> American Indian | <u>0</u> Alaskan Native |
| <u>0</u> Asian | <u>0</u> Pacific Islander |
| <u>0</u> Black, not of Hispanic Origin | <u>0</u> Hispanic |
| <u>0</u> White, not of Hispanic Origin | |

4. Please attach the following information as Exhibit "C". The Atlanta Regional Commission requires this information so that they can provide Population Estimates.

- (1) Number of Existing Housing Units
- (2) List of addresses for each housing unit in the annexed area at the time of the annexation
- (3) Disposition of existing structures (e.g. to be Demolished, Moved, or Converted)
- (4) Names of affected subdivision
- (5) Names of affected multi-family complex.
- (6) Names of group quarters (such as school dormitories, nursing homes or jails)
- (7) Names of affected duplexes
- (8) Names of Mobile Home Parks

I/We the undersigned, being the owner(s) of real property of the territory described herein, respectfully request that the Mayor and City Council of the City of Canton, Georgia annex this property into the City and extend the City boundaries to include the same.

Butterworth Investments 2, LLC & Butterworth Investments, LLC

[Signature]
Property Owner's Signature

4-30-24
Date

Mike Lusk, Member

Property Owner's Printed Name

Sworn To and Subscribed Before Me This 30 Day Of April, 20 24.

Notary Signature: [Signature]



Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? _____

(See Addendum "A-1")

How will this proposal affect the use and value of surrounding properties? _____

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

What would be the increase to population and traffic if the proposal were approved? _____

What would be the impact to schools and utilities if the proposal were approved? _____

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

Are there existing or changing conditions which affect the development of the property and support the proposed request? _____

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

ADDENDUM "A-1"

REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Surrounding properties consist of several different types of uses and zoning classifications. These include half acre residential, acre residential, commercial, and PD-Mixed Use. Within the PD-Mixed Use there exists mixed uses and densities, including single family residential, townhomes, and institutional use as a daycare. The proposal is for residential which would be compatible with surrounding uses.

How will this proposal affect the use and value of surrounding properties?

The surrounding properties consist of a mix of older and newer structures, as well as a newly constructed convenience store, therefore as a newly residential community the proposal is expected to have a positive affect on the use and value of surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned?

All properties have an economic use, but not all economic uses are reasonable. The property lies on a State Highway with two travel lanes in both directions. This road type has a negative impact on the one-acre residential requirement. That area of the property zoned general commercial and other commercial properties nearby have been available and vacant for many years indicating that the GC classification is not desirable and therefore not a reasonable economic use.

What would be the increase to population and traffic if the proposal were approved?

All residential properties development for the first time will add some increase to population and traffic, however, the subject property fronts a state highway with four lanes and has direct access to I-575 thereby relieving any impact on traffic. The proposal is for 41 townhomes which tend to be occupied by 1 or 2 people with a reasonable projection of an increase in population approximately 62 persons.

What would be the impact to schools and utilities if the proposal were approved?

With the expectation that townhomes would be occupied by 1 to 2 persons the impact would be an approximate increase of 30 to 40 children spread over 12 grades, kindergarten, and pre-kindergarten.

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

The future land use plan shows this property located in the SDA Suburban Development character area. The RA-8 classification appears as a potential classification in this character area.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

The area along Knox Bridge Hwy and its intersection with Butterworth Road has been evolving and growing since the development of River Green. Changes, improvements, and expansion of roadways have occurred. Also, an increase in the availability of different types of residential structures and new commercial growth.



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

Canton Board of Appeals Review Criteria

Article H, Section 8-8-H-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? _____ See Addendum "A" _____

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

Has the condition from which relief or variance is sought been a result from action by the applicant? _____

Are there conditions peculiar to the subject property? _____

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? _____

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

ADDENDUM "A"

CANTON BOARD OF APPEALS REVIEW CRITERIA

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

Yes. The property size is limited to 6.018 acres causing the property's use to be negatively affected by the requirement and placement of buffers along the boundaries. Of the total acreage of 6.018 acres, 0.5526 rectangle tract fronting on the easterly right of way of Butterworth Road is unusable because of the required 50-foot buffer along boundaries with properties located in the county. Because of the un-usability of the rectangle tract, only 4.4654 acres remain usable or 11 percent of the overall property. Additionally, the eastern boundary of the property is affected by a draw affecting the topography. Because of these limitations, the Applicant is requesting a reduction in the required 50-foot buffer along the eastern boundary to 25 feet.

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

Yes, as indicated above, the application and requirement of a 50-foot buffer along boundaries with properties in the county creates an unnecessary hardship for the Applicant due to the loss of usable property.

Has the condition from which relief or variance is sought been a result from action by the applicant?

No. A review of the chain of title for the subject property reveals that its size, shape and topography have remained unchanged for many years through many owners. The applicant has taken no action with reference to changes in the property as it exists.

Are these conditions peculiar to the subject property?

Yes. Most if not all properties are unique in character and condition. While some properties may have some of the same negatives as the subject property, it appears that no other property in the area has the obstacles described in this review affecting them.

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 of the inhabitants or the City?

No. Buffers are designed to create some unused areas between properties. The property, with is located in the county, was developed without any buffer. The requirement of a buffer by

Addendum "A"
Pg 2.

the City, even at a reduced footage would create a benefit to the adjoining property and have no effect on the public good.



EUGENE B. CHAMBERS
ATTORNEY AT LAW
HISTORIC JONES & CLOUD BUILDING
121 EAST MAIN STREET
P. O. BOX 4446
CANTON, GA. 30115

April 23rd, 2024

Mayor and City Council Members
City of Canton
110 Academy Street
Canton, GA 30114

RE: Applicant: Equity Land Partners, LLC
 Letter of Intent

Greetings:

The Applicant, Equity Land Partners, LLC, has 6.0108 acres located in the Southeasterly corner of Georgia Hwy 20 (Knox Bridge Hwy) and Butterworth Road. The property is currently split zoned with general commercial (GC) along the frontage of Georgia Hwy 20 and one acre residential (R-40) on the balance of the property. The Applicant is seeking annexation into the City of Canton and applying for a city zoning classification of RA-8 for 41 townhomes, additionally the applicant is asking for a variance on the East boundary which would be for a reduction of the required 50-foot buffer to 25 feet. Except for the bounding property on the North which lies within the city limits of Canton, the balance of the bounding property lies within Cherokee County.

The adjacent zoning classification consist of PD-Mixed Use (City) lying on the North, GC and One acre and one-half acre residential (R-40 and R-20 in the county) on the East, One acre and one half acre residential (R-40 and R-20 in the county), and General Commercial and one acre residential (GC and R-40 in the county). Other zoning classifications nearby and within the City Limits of Canton include R-4 residential, R-10 residential, and RM-15 multi-family residential.

The subject property lies within the agreed upon growth boundary area with Cherokee County. The property also lies within the City of Canton service area. The neighborhood will have all utilities available to it, including water and sewer service provided through the City of Canton public works.

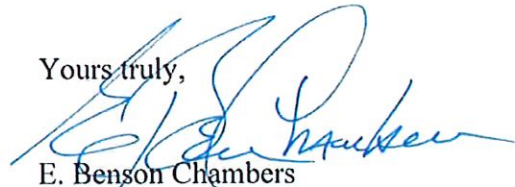
The Applicant has chosen not to have access to the community from Butterworth Road in an effort to discourage additional vehicles from Butterworth Road and its intersection with Georgia Hwy 20. The access for the neighborhood will be on Georgia Hwy 20, which is a full access four lane state highway along the frontage of the subject property. Placement of the only access on Georgia Hwy 20 should encourage vehicle usage on Georgia Hwy 20 from Marietta Highway (Georgia Hwy 5) with direct access to I-575.

404-273-9757
ebchamberslaw@gmail.com

The Applicant believes that this neighborhood will incorporate aspects of the Road Map for Success adopted by the City and will provide additional and alternative types of residential units for this area of the City. The neighborhood will improve infrastructure for future demands, create a diverse and great community. The design and layout provide for open area and buffers which will sustain the natural environment of the area.

On behalf of the Applicant thank you for taking your time for consideration of the neighborhood and project for zoning, annexation and variance.

Yours truly,



E. Benson Chambers
Attorney for the Applicant
Equity Land Partners, LLC

Return Recorded Document to:
SELLERS & WARREN, P.C.
ATTORNEYS AT LAW
115 Woodland Way, Suite 100
Canton, GA 30114

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #: 191823

THIS INDENTURE made this 28th day of August, 2019, between Billy Joe Kennemur and Paul W. Kennemur, of the County of Cherokee, State of Canton, GA, as party or parties of the first part, hereinafter called Grantor, and Butterworth Investments 2, LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land lying and being in Land Lot 91 of the 14th District, 2nd Section, Cherokee County, Georgia, being 4.483 acres of land as per plat of survey for Paul W. Kennemur and Billy Joe Kennemur dated January 27, 1998, prepared by Ted S. Chadwick Georgia RLS and recorded in Plat Book 55, Page 183, Cherokee County, Georgia Records, said plat being incorporated herein by reference thereto.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee, forever in FEE SIMPLE.

AND THE SAID party of the first part, for its heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its heirs, successors and/or assigns, against the claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Bobbie Cowart
Witness

Kim Sell
Notary Public



Billy Joe Kennemur
Billy Joe Kennemur
Paul W. Kennemur
Paul W. Kennemur

Rec: \$14.00 TRANSFER TAX \$35.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

AFTER RECORDING RETURN TO:
SELLERS & WARREN, PC
115 WOODLAND WAY, STE. 100
CANTON, GA 30114

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #191811

EXECUTOR'S DEED

THIS INDENTURE, made this 15th day of AUGUST in the year of our Lord Two Thousand Nineteen (2019), between **DAVID W. MILLHOF, EXECUTOR OF THE LAST WILL AND TESTAMENT OF WILLIE MAE JOHNSON**, late of the State of Georgia, and County of **CHEROKEE**, deceased, of the First Part (hereinafter called "Grantor") and **BUTTERWORTH INVESTMENTS 2, LLC**, of the State of Georgia and County of **CHEROKEE**, of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That the said Grantor (acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Court of Probate of **CHEROKEE** County, Georgia, and all debts, including all Federal and State Estate taxes, having been paid in full), for and in consideration of the sum of \$10.00 DOLLARS and other good and valuable considerations, in hand paid, at and before the sealing and delivery of these presents (receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee,

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

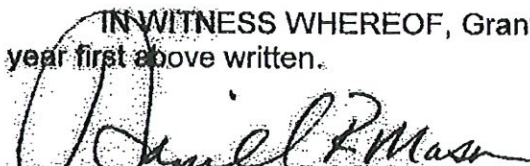
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, by the said deceased.

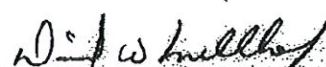
Rec: \$14.00 TRANSFER TAX \$35.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal, the day and year first above written.


WITNESS

 (SEAL)
DAVID W. MILLHOF, AS EXECUTOR OF THE
LAST WILL AND TESTAMENT OF WILLIE
MAE JOHNSON


NOTARY PUBLIC



EXHIBIT "A"

All those tracts or parcels of land lying and being in the 14th District, 2nd Section of Cherokee County, Georgia, and being a part of original Land Lot No. 91, and being Lot No. 25 of the Johnnie Sims property according to plat recorded in Plat Book 1, Page 111, to which reference is made.

BEGINNING at a Marble Monument located 201 feet South 37 $\frac{3}{4}$ degrees West from a Marble Monument located on the South side of Georgia Highway 20; thence South 81 $\frac{1}{2}$ degrees East for 260.8 feet to a Marble Monument; thence South 36 $\frac{1}{2}$ degrees West for 369 feet to a Marble Monument; thence North 6 $\frac{1}{2}$ degrees West for 338 feet to the Marble Monument at the beginning point.

There is also conveyed herein a right of way for a drive-way across Lot No. 19 of said subdivision; said right of way being described as follows: BEGINNING at an iron pin located 180 feet South 6 $\frac{1}{2}$ degrees East of the Marble Monument described as the beginning point above; thence South 8 feet to an iron pin; thence West along the South line of Lot No. 19 of said Subdivision for 200 feet to the East side of the Sims Butterworth Road; thence North along the East side of said Road for 8 feet; thence East for 200 feet to the iron pin at the beginning point, being a road 8 feet wide and 200 feet long running from Lot No. 25 to the Sims Butterworth Road through Lot No. 19 on the South side of said lot.

This being the same property deeded Odell and Sadie Thompson by D. J. McCurley, Sr. by Deed recorded in Deed Book 41, Page 344 Cherokee County Deed Records. Further reference is hereby made by Deed from Odell and Sadie Thompson to C. C. Ray, as recorded in Deed Book 55, page 425. This also being the same property set aside as a Twelve Months Support for Benalee Ray, widow of Charlie C. Ray late of said County, deceased, as Recorded in the Cherokee County Ordinary's Office, Year's Support Book C, page 90. This also being the same property deeded Mr. and Mrs. Jess William Johnson, Jr. and recorded in Deed Record Book 81, page 422, Cherokee County Deed Records. This also being the same property deeded by Jess William Johnson, Jr. to Willie Mae Johnson, dated July 12, 1983, recorded August 2, 1983 at Deed Book 361, page 150 Cherokee County Deed Records.

Return to:
Hartmanlaw, LLC
145 Towne Lake Parkway
Ste 200
Woodstock, GA 30188
DEED SERVICE ONLY

STATE OF GEORGIA
COUNTY OF CHEROKEE

WARRANTY DEED

This Indenture, made this 24th day of May, 2018, by and between Taylor Eugene Weaver, of the State of Georgia, County of Cherokee hereinafter "Grantor" and BUTTERWORTH INVESTMENTS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, hereinafter "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, sell, alien, convey and confirm unto the said Grantee all of his right, title and interest in and to the following tract or parcel of land:

ALL THAT TRACT OR PARCEL of land lying and being in the subdivision of the Johnny Sims property as shown by plat of survey by Lat Ridgeway, R.S. on January 16, 1954, and recorded in Plat Book 1, Page 111, Clerk's Office, Superior Court of Cherokee County, Georgia, the same being located in original Lot of Land No. 91, of the 14th Land District, and 2nd Section of Cherokee County, Georgia, and being Lot No. 20 more particularly described as follows: Lying on the East side of the Sims-Butterworth Road, beginning at the northwest corner of Lot No. 20, thence running in an Easterly direction 231 feet to the Northeast corner of said Lot; thence South 6 degrees East 100 feet to the Southeast corner of said Lot; thence in a Westerly direction 210.4 feet to the Southwest corner of said Lot located on the East side of said Sims-Butterworth Road, thence in a northerly direction along the East side road 120 feet to point of beginning.

Subject to all mortgages, easements, covenants and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper benefit and behoof of the Grantee forever in FEE SIMPLE.

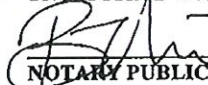
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


UNOFFICIAL WITNESS

 (seal)
TAYLOR EUGENE WEAVER


NOTARY PUBLIC



2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-30028	11/15/2023	\$0.00	\$1,357.56	\$0.00	Paid 11/20/2023

Map: 14N12A 058

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: KNOX BRIDGE HWY

BUTTERWORTH INVESTMENTS 2 LLC
510 GILMER FERRY RD
BALLGROUND, GA 301073202

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT
(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 058 Real
Description: LL 91 D14
Location: KNOX BRIDGE HWY
Bill No: 2023-30028
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
7,555.00	123,045.00	4.4800	\$130,600.00	11/15/2023			
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax
COUNTY M&O	\$130,600	\$52,240	\$0	\$52,240	4.954000	\$0.00	\$258.80
COUNTY WIDE FIRE DIST	\$130,600	\$52,240	\$0	\$52,240	2.764000	\$0.00	\$144.39
INS PREMIUM CREDIT	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00
PARKS BOND	\$130,600	\$52,240	\$0	\$52,240	0.319000	\$0.00	\$16.66
SCHOOL BOND	\$130,600	\$52,240	\$0	\$52,240	1.500000	\$0.00	\$78.36
SCHOOL M&O	\$130,600	\$52,240	\$0	\$52,240	16.450000	\$0.00	\$859.35
STATE TAX	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00
TOTALS					25.987000	\$0.00	\$1,357.56

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$1,357.56
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$1,357.56
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-30029	11/15/2023	\$0.00	\$430.27	\$0.00	Paid 02/01/2024

Map: 14N12A 059

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: 1618 BUTTERWORTH RD

BUTTERWORTH INVESTMENTS 2 LLC
107 ROSEBURY DR
CANTON, GA 30115

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT
(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 059 Real
Description: OFF BUTTERWORTH RD
Location: 1618 BUTTERWORTH RD
Bill No: 2023-30029
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
2,500.00	37,800.00	0.0000	\$40,300.00	11/15/2023				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax	
COUNTY M&O	\$40,300	\$16,120	\$0	\$16,120	4.954000	\$0.00	\$79.86	
COUNTY WIDE FIRE DIST	\$40,300	\$16,120	\$0	\$16,120	2.764000	\$0.00	\$44.56	
INS PREMIUM CREDIT	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00	
PARKS BOND	\$40,300	\$16,120	\$0	\$16,120	0.319000	\$0.00	\$5.14	
SCHOOL BOND	\$40,300	\$16,120	\$0	\$16,120	1.500000	\$0.00	\$24.18	
SCHOOL M&O	\$40,300	\$16,120	\$0	\$16,120	16.450000	\$0.00	\$265.17	
STATE TAX	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00	
TOTALS						25.987000	\$0.00	\$418.91

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$418.91
Penalty	\$0.00
Interest	\$11.36
Other Fees	\$0.00
Previous Payments	\$430.27
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	02/01/2024

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-57018	11/15/2023	\$0.00	\$313.92	\$0.00	Paid 11/20/2023

Map: 14N12A 065

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: BUTTERWORTH RD

HAPPY TRAILS PROPERTIES LLC &
BUTTERWORTH INVESTMENTS LLC
510 GILMER FERRY RD
BALL GROUND, GA 30107

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT
(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: HAPPY TRAILS PROPERTIES LLC &
Map Code: 14N12A 065 Real
Description: BUTTERWORTH RD
Location: BUTTERWORTH RD
Bill No: 2023-57018
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
0.00	30,200.00	0.0000	\$30,200.00	11/15/2023				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax	
COUNTY M&O	\$30,200	\$12,080	\$0	\$12,080	4.954000	\$0.00	\$59.84	
COUNTY WIDE FIRE DIST	\$30,200	\$12,080	\$0	\$12,080	2.764000	\$0.00	\$33.39	
INS PREMIUM CREDIT	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00	
PARKS BOND	\$30,200	\$12,080	\$0	\$12,080	0.319000	\$0.00	\$3.85	
SCHOOL BOND	\$30,200	\$12,080	\$0	\$12,080	1.500000	\$0.00	\$18.12	
SCHOOL M&O	\$30,200	\$12,080	\$0	\$12,080	16.450000	\$0.00	\$198.72	
STATE TAX	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00	
TOTALS					25.987000	\$0.00	\$313.92	

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$313.92
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$313.92
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

LEGAL DESCRIPTION

OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING ALONG THE RIGHT OF WAY SOUTHERLY TO AN IRON PIN FOUND AND THE **TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 184.34 FEET WITH A RADIUS OF 1512.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 86 DEGREES, 58 MINUTES, 27 SECONDS EAST A CHORD DISTANCE OF 184.23 FEET TO A POINT, THENCE NORTH 07 DEGREES, 02 MINUTES, 31 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY OF GEORGIA HWY 20 A DISTANCE OF 15.07 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 158.40 FEET WITH A RADIUS OF 1497.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 80 DEGREES, 12 MINUTES, 10 SECONDS EAST A CHORD DISTANCE OF 158.33 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 24 DEGREES, 35 MINUTES, 05 SECONDS EAST A DISTANCE OF 175.55 FEET TO AN IRON PIN FOUND; THENCE SOUTH 25 DEGREES, 27 MINUTES, 06 SECONDS EAST A DISTANCE OF 196.88 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 59 MINUTES, 05 SECONDS WEST A DISTANCE OF 312.79 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 47 MINUTES, 34 SECONDS WEST A DISTANCE OF 242.02 FEET TO AN IRON PIN FOUND; THENCE NORTH 32 DEGREES, 16 MINUTES, 25 SECONDS WEST A DISTANCE OF 149.26 FEET TO A POINT; THENCE NORTH 06 DEGREES, 11 MINUTES, 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, THENCE SOUTH 78 DEGREES, 22 MINUTES, 57 SECONDS WEST A DISTANCE OF 210.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD (50 FOOT R/W), THENCE NORTH 16 DEGREES, 43 MINUTES, 47 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD A DISTANCE OF 120.0 TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 83 DEGREES, 23 MINUTES, 12 SECONDS EAST A DISTANCE OF 230.47 FEET TO A POINT; THENCE NORTH 06 DEGREES, 34 MINUTES, 28 SECONDS WEST A DISTANCE OF 187.24 FEET TO A POINT; THENCE NORTH 37 DEGREES, 42 MINUTES, 08 SECONDS EAST A DISTANCE

OF 151.16 TO A POINT AND THE TRUE POINT OF BEGINNING. CONTAINING 6.0108
ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACT 1 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND AND THE **TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 184.34 FEET WITH A RADIUS OF 1512.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 86 DEGREES, 58 MINUTES, 27 SECONDS EAST A CHORD DISTANCE OF 184.23 FEET TO A POINT, THENCE NORTH 07 DEGREES, 02 MINUTES, 31 SECONDS WEST ALONG THE EASTERLY RIGH OF WAY OF GEORGIA HWY 20 A DISTANCE OF 15.07 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 158.40 FEET WITH A RADIUS OF 1497.39 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 80 DEGREES, 12 MINUTES, 10 SECONDS EAST A CHORD DISTANCE OF 158.33 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 24 DEGREES, 35 MINUTES, 05 SECONDS EAST A DISTANCE OF 175.55 FEET TO AN IRON PIN FOUND; THENCE SOUTH 25 DEGREES, 27 MINUTES, 06 SECONDS EAST A DISTANCE OF 196.88 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 59 MINUTES, 05 SECONDS WEST A DISTANCE OF 312.79 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 47 MINUTES, 34 SECONDS WEST A DISTANCE OF 242.02 FEET TO AN IRON PIN FOUND; THENCE NORTH 32 DEGREES, 16 MINUTES, 25 SECONDS WEST A DISTANCE OF 149.26 FEET TO A POINT; THENCE NORTH 36 DEGREES, 30 MINUTES, 00 SECONDS EAST A DISTANCE OF 368.54 FEET TO AN IRON PIN FOUND; THENCE NORTH 81 DEGREES, 32 MINUTES, 57 SECONDS WEST A DISTANCE OF 260.76 FEET TO AN IRON PIN; THENCE NORTH 37 DEGREES, 42 MINUTES, 08 SECONDS EAST A DISTANCE OF 151.16 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 1 CONTAINING 4.4845 ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND; THENCE SOUTH 37 DEGREES, 42 MINUTES, 08 SECONDS WEST A DISTANCE OF 151.16 FEET TO A POINT AND THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 81 DEGREES, 32 MINUTES, 57 SECONDS EAST A DISTANCE OF 260.76 FEET TO A POINT; THENCE SOUTH 36 DEGREES, 30 MINUTES, 00 SECONDS WEST A DISTANCE OF 368.84 FEET TO A POINT; THENCE NORTH 06 DEGREES, 11 MINUTES, 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT; THENCE NORTH 06 DEGREES, 43 MINUTES, 58 SECONDS WEST A DISTANCE OF 99.78 FEET TO A POINT; THENCE NORTH 06 DEGREES, 34 MINUTES, 28 SECONDS WEST A DISTANCE OF 187.24 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 2 CONTAINING 0.9736 ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTAL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING SOUTHERLY ALONG SAID RIGHT OF WAY TO AN IRON PIN FOUND; THENCE SOUTH 37 DEGREES, 42 MINUTES, 08 SECONDS WEST A DISTANCE OF 151.16 FEET TO A POINT; THENCE SOUTH 06 DEGREES, 34 MINUTES, 28 SECONDS EAST A DISTANCE OF 187.24 FEET TO A POINT AND THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 06 DEGREES 43 MINUTES, 58 SECONDS EAST A DISTANCE OF 99.78 FEET TO A POINT; THENCE SOUTH 78 DEGREES, 22 MINUTES, 57 SECONDS WEST A DISTANCE OF 210.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD (50 FOOT R/W); THENCE NORTH ALONG SAID RIGHT OF WAY NORTH 16 DEGREES, 43 MINUTES, 47 SECONDS WEST A DISTANCE OF 120.00 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 83 DEGREES, 23 MINUTES, 12 SECONDS EAST A DISTANCE OF 230.47 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. TRACT 3 CONTAINING .5526 ACRES PER SAID SURVEY



Cherokee County, GA



Legend

- ☐ Parcels
- ☐ Parcels

knox BridgetHwy (20)

Buttersworth Rd

1: 4,407



734.6 0 367.28 734.6 Feet

Location Map

Notes

IN RE: EQUITY LAND PARTNERS, LLC

NOTICE OF CONSTITUTIONAL CHALLENGE

-1-

In accordance with the instructions attached to the zoning application, and in order to protect our rights for using our property at the highest and best use, and in a constitutional manner, we therefore submit that we have a constitutional issue to present in this case.

-2-

The classification of the subject property within the GC & R-40 Zoning Classification within which the owners proposed use is prohibited as not being a permitted use by the City of Canton Zoning Ordinances is unconstitutional, null and void in that such restriction effectively prohibits the owners to a use which is unreasonable and uneconomically suited; and, is thereby the equivalent of a substantial destruction of valuable rights of the owners without payment of just and adequate compensation in violation of the Compensation Clause of the 5th Amendment to the United States Constitution, Article 1, Section 3, Paragraph 1 of the Constitution of the State of Georgia, 1983, and the provisions of O.C.G.A. § 22-1-5.

-3-

A refusal by the City of Canton to rezone our property as requested so as to permit a reasonable economic return on investment and a highest and best use or reasonable use of the property, would therefore be unconstitutional null and void and that this refusal is arbitrary capricious without a rational basis and thus constitutes an abuse of discretion which would affect the restricted property to a use to which it is unsuited. This action by the governing authority would effectually prohibit the owners from using their property for a use which is best suited and would constitute a taking of the owner's property in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia 1983, and the due process clause of the 14th Amendment to the Constitution of the United States.

-4-

Please be advised that the continued application of the GC & R-40 zoning classification to the owner's property results in little or no gain to the public in general and fails to promote the health, safety or morals of general welfare of the public and further does not bear fair and substantial relation to the objectives of the zoning ordinance, and would constitute a substantial construction of the property value of owners, and is confiscatory and void.

Respectfully submitted on behalf of Applicant



E. BENSON CHAMBERS
Attorney for Equity Land Partners, LLC.



Community Development Department

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

Public Hearing Application

Project # CUP 2404-012

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.

Equity Land Partners, LLC by

This form is to be executed under oath. I, Steve Tingas, Manager, 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, Steve Tingas, Manager, have received and thoroughly read the Public Hearing Procedures.



Applicant: Steve Tingas This 29 day of April, 2024
Print Name: Steve Tingas, Manager

Applicant Information:

Name: Equity Land Partners, LLC
Address: 5383 Highland Pine Ln
City: Mableton
State: GA Zip Code: 30126
Telephone: 404-273-9757
Fax Number: _____
Email Address: ebchamberslaw@gmail.com

Owner Information:

Butterworth Investments 2, LLC
Name: Butterworth Investments, LLC
Address: 510 Gilmer Ferry Road
City: Ball Ground
State: Georgia Zip Code: 30107
Telephone: 770-605-6551
Fax Number: _____
Email Address: ebchamberslaw@gmail.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

Butterworth Investments 2, LLC

Butterworth Investments, LLC by

This form is to be executed under oath. I, Mike Lusk, Member, 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 30 day of April, 2024.

Owner Signature: [Signature]

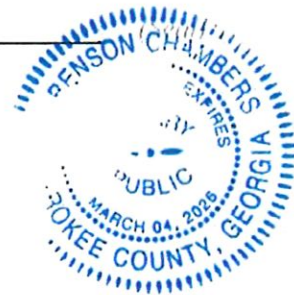
Print Name: Mike Lusk, Member

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 30 Day Of April, 2024.

Notary Signature: [Signature]





Community Development Department

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

Authorization Of Applicant

Butterworth Investments 2, LLC
Butterworth Investments, LLC, by

This form is to be executed under oath. I, Lee Lusk, Member, 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 13 day of August, 20 24.

Owner Signature: [Signature] Print Name: Lee Lusk, Member

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 | ☐ 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 | |

Name of Authorized Applicant: Equity Land Partners, LLC

Signature: [Signature: Steven Vargas, Mgr]

Mailing Address: 510 Gilmer Ferry Road

City: Ball Ground

State: Georgia Zip Code: 30107

Telephone: 770-789-5517

Fax Number: _____

E-mail: ebchamberslaw@gmail.com

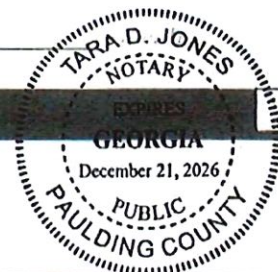
Applicant Status:

- | |
|--|
| ☐ Owner |
| ☒ Option to Purchase |
| ☐ Leasee |
| ☐ 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 29 Day Of April, 20 24.

Notary Signature: Tara D. Jones

www.cantonga.gov





Community Development Department

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

(Application Type A : ONLY)

Address of Property to be Annexed: 8420 Knox Bridge Hwy; 1610 & 1618 Butterworth Rd, Canton 30114

Land Lot(s): 91 District: 14 Section: 2 Map #: 14N12A Parcel #: 058, 059, 065

Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of the Land:

- | | |
|---|--|
| ☒ Residential | ☐ Other (Specify) _____ |
| ☐ Commercial | ☐ Existing Structures _____ |
| ☐ Vacant | _____ |

2. Number of persons currently residing on the property: 0; Number 18 years or older: 0; Number registered to vote: 0

3. The number of all residents occupying the property:

- | | |
|--|---------------------------|
| <u>0</u> American Indian | <u>0</u> Alaskan Native |
| <u>0</u> Asian | <u>0</u> Pacific Islander |
| <u>0</u> Black, not of Hispanic Origin | <u>0</u> Hispanic |
| <u>0</u> White, not of Hispanic Origin | |

4. Please attach the following information as Exhibit "C". The Atlanta Regional Commission requires this information so that they can provide Population Estimates.

- (1) Number of Existing Housing Units
- (2) List of addresses for each housing unit in the annexed area at the time of the annexation
- (3) Disposition of existing structures (e.g. to be Demolished, Moved, or Converted)
- (4) Names of affected subdivision
- (5) Names of affected multi-family complex.
- (6) Names of group quarters (such as school dormitories, nursing homes or jails)
- (7) Names of affected duplexes
- (8) Names of Mobile Home Parks

I/We the undersigned, being the owner(s) of real property of the territory described herein, respectfully request that the Mayor and City Council of the City of Canton, Georgia annex this property into the City and extend the City boundaries to include the same.

Butterworth Investments 2, LLC & Butterworth Investments, LLC

[Signature] 4-30-24
Property Owner's Signature Date

Mike Lusk, Member
Property Owner's Printed Name

Sworn To and Subscribed Before Me This 30 Day Of April, 2024.

Notary Signature: [Signature]



Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? _____

(See Addendum "A-1"

How will this proposal affect the use and value of surrounding properties? _____

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

What would be the increase to population and traffic if the proposal were approved? _____

What would be the impact to schools and utilities if the proposal were approved? _____

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

Are there existing or changing conditions which affect the development of the property and support the proposed request? _____

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

ADDENDUM "A-1"

REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Surrounding properties consist of several different types of uses and zoning classifications. These include half acre residential, acre residential, commercial, and PD-Mixed Use. Within the PD-Mixed Use there exists mixed uses and densities, including single family residential, townhomes, and institutional use as a daycare. The proposal is for residential which would be compatible with surrounding uses.

How will this proposal affect the use and value of surrounding properties?

The surrounding properties consist of a mix of older and newer structures, as well as a newly constructed convenience store, therefore as a newly residential community the proposal is expected to have a positive affect on the use and value of surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned?

All properties have an economic use, but not all economic uses are reasonable. The property lies on a State Highway with two travel lanes in both directions. This road type has a negative impact on the one-acre residential requirement. That area of the property zoned general commercial and other commercial properties nearby have been available and vacant for many years indicating that the GC classification is not desirable and therefore not a reasonable economic use.

What would be the increase to population and traffic if the proposal were approved?

All residential properties development for the first time will add some increase to population and traffic, however, the subject property fronts a state highway with four lanes and has direct access to I-575 thereby relieving any impact on traffic. The proposal is for 41 townhomes which tend to be occupied by 1 or 2 people with a reasonable projection of an increase in population approximately 62 persons.

What would be the impact to schools and utilities if the proposal were approved?

With the expectation that townhomes would be occupied by 1 to 2 persons the impact would be an approximate increase of 30 to 40 children spread over 12 grades, kindergarten, and pre-kindergarten.

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

The future land use plan shows this property located in the SDA Suburban Development character area. The RA-8 classification appears as a potential classification in this character area.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

The area along Knox Bridge Hwy and its intersection with Butterworth Road has been evolving and growing since the development of River Green. Changes, improvements, and expansion of roadways have occurred. Also, an increase in the availability of different types of residential structures and new commercial growth.



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

Canton Board of Appeals Review Criteria

Article H, Section 8-8-H-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? See Addendum "A"

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

Has the condition from which relief or variance is sought been a result from action by the applicant? _____

Are there conditions peculiar to the subject property? _____

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? _____

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

ADDENDUM "A"

CANTON BOARD OF APPEALS REVIEW CRITERIA

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

Yes. The property size is limited to 6.018 acres causing the property's use to be negatively affected by the requirement and placement of buffers along the boundaries. Of the total acreage of 6.018 acres, 0.5526 rectangle tract fronting on the easterly right of way of Butterworth Road is unusable because of the required 50-foot buffer along boundaries with properties located in the county. Because of the un-usability of the rectangle tract, only 4.4654 acres remain usable or 11 percent of the overall property. Additionally, the eastern boundary of the property is affected by a draw affecting the topography. Because of these limitations, the Applicant is requesting a reduction in the required 50-foot buffer along the eastern boundary to 25 feet.

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

Yes, as indicated above, the application and requirement of a 50-foot buffer along boundaries with properties in the county creates an unnecessary hardship for the Applicant due to the loss of usable property.

Has the condition from which relief or variance is sought been a result from action by the applicant?

No. A review of the chain of title for the subject property reveals that its size, shape and topography have remained unchanged for many years through many owners. The applicant has taken no action with reference to changes in the property as it exists.

Are these conditions peculiar to the subject property?

Yes. Most if not all properties are unique in character and condition. While some properties may have some of the same negatives as the subject property, it appears that no other property in the area has the obstacles described in this review affecting them.

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 of the inhabitants or the City?

No. Buffers are designed to create some unused areas between properties. The property, with is located in the county, was developed without any buffer. The requirement of a buffer by

Addendum "A"

Pg 2.

the City, even at a reduced footage would create a benefit to the adjoining property and have no effect on the public good.

Return Recorded Document to:
SELLERS & WARREN, P.C.
ATTORNEYS AT LAW
115 Woodland Way, Suite 100
Canton, GA 30114

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #: 191823

THIS INDENTURE made this 28th day of August, 2019, between Billy Joe Kennemur and Paul W. Kennemur, of the County of Cherokee, State of Canton, GA, as party or parties of the first part, hereinafter called Grantor, and Butterworth Investments 2 LLC, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that tract or parcel of land lying and being in Land Lot 91 of the 14th District, 2nd Section, Cherokee County, Georgia, being 4.483 acres of land as per plat of survey for Paul W. Kennemur and Billy Joe Kennemur dated January 27, 1998, prepared by Ted S. Chadwick Georgia RLS and recorded in Plat Book 55, Page 183, Cherokee County, Georgia Records, said plat being incorporated herein by reference thereto.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee, forever in FEE SIMPLE.

AND THE SAID party of the first part, for its heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its heirs, successors and/or assigns, against the claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Balbi Cowart
Witness

Kim Sell
Notary Public



Billy Joe Kennemur
Billy Joe Kennemur

Paul W. Kennemur
Paul W. Kennemur

Rec: \$14.00 TRANSFER TAX \$35.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

AFTER RECORDING RETURN TO:
SELLERS & WARREN, PC
115 WOODLAND WAY, STE. 100
CANTON, GA 30114

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #191811

EXECUTOR'S DEED

THIS INDENTURE, made this 15th day of AUGUST in the year of our Lord Two Thousand Nineteen (2019), between **DAVID W. MILLHOF, EXECUTOR OF THE LAST WILL AND TESTAMENT OF WILLIE MAE JOHNSON**, late of the State of Georgia, and County of **CHEROKEE**, deceased, of the First Part (hereinafter called "Grantor") and **BUTTERWORTH INVESTMENTS 2, LLC**, of the State of Georgia and County of **CHEROKEE**, of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That the said Grantor (acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Court of Probate of **CHEROKEE** County, Georgia, and all debts, including all Federal and State Estate taxes, having been paid in full), for and in consideration of the sum of \$10.00 DOLLARS and other good and valuable considerations, in hand paid, at and before the sealing and delivery of these presents (receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee,

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever, IN FEE SIMPLE; in as full and ample a manner as the same was held, possessed and enjoyed, by the said deceased.

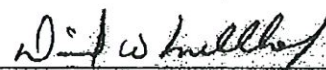
Rec: \$14.00 TRANSFER TAX \$35.00

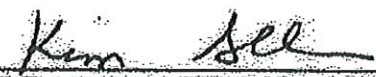
Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 1156462359 SubmitterID: 0466245412

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal, the day and year first above written.


WITNESS

 (SEAL)
DAVID W. MILLHOF, AS EXECUTOR OF THE
LAST WILL AND TESTAMENT OF WILLIE
MAE JOHNSON


NOTARY PUBLIC

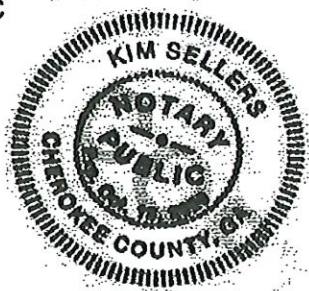


EXHIBIT "A"

All those tracts or parcels of land lying and being in the 14th District, 2nd Section of Cherokee County, Georgia, and being a part of original Land Lot No. 91, and being Lot No. 25 of the Johnnie Sims property according to plat recorded in Plat Book 1, Page 111, to which reference is made.

BEGINNING at a Marble Monument located 201 feet South 37 $\frac{3}{4}$ degrees West from a Marble Monument located on the South side of Georgia Highway 20; thence South 81 $\frac{1}{2}$ degrees East for 260.8 feet to a Marble Monument; thence South 36 $\frac{1}{2}$ degrees West for 369 feet to a Marble Monument; thence North 6 $\frac{1}{2}$ degrees West for 338 feet to the Marble Monument at the beginning point.

There is also conveyed herein a right of way for a drive-way across Lot No. 19 of said subdivision; said right of way being described as follows: BEGINNING at an iron pin located 180 feet South 6 $\frac{1}{2}$ degrees East of the Marble Monument described as the beginning point above; thence South 8 feet to an iron pin; thence West along the South line of Lot No. 19 of said Subdivision for 200 feet to the East side of the Sims Butterworth Road; thence North along the East side of said Road for 8 feet; thence East for 200 feet to the iron pin at the beginning point, being a road 8 feet wide and 200 feet long running from Lot No. 25 to the Sims Butterworth Road through Lot No. 19 on the South side of said lot.

This being the same property deeded Odell and Sadie Thompson by D. J. McCurley, Sr. by Deed recorded in Deed Book 41, Page 344 Cherokee County Deed Records. Further reference is hereby made by Deed from Odell and Sadie Thompson to C. C. Ray, as recorded in Deed Book 55, page 425. This also being the same property set aside as a Twelve Months Support for Benalee Ray, widow of Charlie C. Ray late of said County, deceased, as Recorded in the Cherokee County Ordinary's Office, Year's Support Book C, page 90. This also being the same property deeded Mr. and Mrs. Jess William Johnson, Jr. and recorded in Deed Record Book 81, page 422, Cherokee County Deed Records. This also being the same property deeded by Jess William Johnson, Jr. to Willie Mae Johnson, dated July 12, 1983, recorded August 2, 1983 at Deed Book 361, page 150 Cherokee County Deed Records.

Return to:
Hartmanlaw, LLC
145 Towne Lake Parkway
Ste 200
Woodstock, GA 30188
DEED SERVICE ONLY

STATE OF GEORGIA
COUNTY OF CHEROKEE

WARRANTY DEED

This Indenture, made this 30th day of May, 2018, by and between Taylor Eugene Weaver, of the State of Georgia, County of Cherokee hereinafter "Grantor" and BUTTERWORTH INVESTMENTS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, hereinafter "Grantee", (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits);

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, sell, alien, convey and confirm unto the said Grantee all of his right, title and interest in and to the following tract or parcel of land:

ALL THAT TRACT OR PARCEL of land lying and being in the subdivision of the Johnny Sims property as shown by plat of survey by Lat Ridgeway, R.S. on January 16, 1954, and recorded in Plat Book 1, Page 111, Clerk's Office, Superior Court of Cherokee County, Georgia, the same being located in original Lot of Land No. 91, of the 14th Land District, and 2nd Section of Cherokee County, Georgia, and being Lot No. 20 more particularly described as follows: Lying on the East side of the Sims-Butterworth Road, beginning at the northwest corner of Lot No. 20, thence running in an Easterly direction 231 feet to the Northeast corner of said Lot; thence South 6 degrees East 100 feet to the Southeast corner of said Lot; thence in a Westerly direction 210.4 feet to the Southwest corner of said Lot located on the East side of said Sims-Butterworth Road, thence in a northerly direction along the East side road 120 feet to point of beginning.

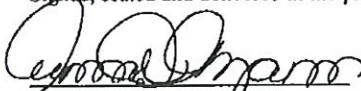
Subject to all mortgages, easements, covenants and restrictions of record.

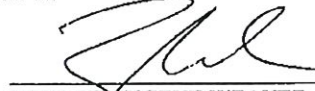
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper benefit and behoof of the Grantee forever in FEE SIMPLE.

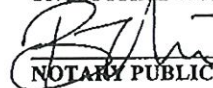
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


UNOFFICIAL WITNESS

 (seal)
TAYLOR EUGENE WEAVER


NOTARY PUBLIC



2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-30028	11/15/2023	\$0.00	\$1,357.56	\$0.00	Paid 11/20/2023

Map: 14N12A 058

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: KNOX BRIDGE HWY

BUTTERWORTH INVESTMENTS 2 LLC
510 GILMER FERRY RD
BALLGROUND, GA 301073202

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 058 Real
Description: LL 91 D14
Location: KNOX BRIDGE HWY
Bill No: 2023-30028
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
7,555.00	123,045.00	4.4800	\$130,600.00	11/15/2023				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax	
COUNTY M&O	\$130,600	\$52,240	\$0	\$52,240	4.954000	\$0.00	\$258.80	
COUNTY WIDE FIRE DIST	\$130,600	\$52,240	\$0	\$52,240	2.764000	\$0.00	\$144.39	
INS PREMIUM CREDIT	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00	
PARKS BOND	\$130,600	\$52,240	\$0	\$52,240	0.319000	\$0.00	\$16.66	
SCHOOL BOND	\$130,600	\$52,240	\$0	\$52,240	1.500000	\$0.00	\$78.36	
SCHOOL M&O	\$130,600	\$52,240	\$0	\$52,240	16.450000	\$0.00	\$859.35	
STATE TAX	\$130,600	\$52,240	\$0	\$52,240	0.000000	\$0.00	\$0.00	
TOTALS					25.987000	\$0.00	\$1,357.56	

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$1,357.56
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$1,357.56
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-30029	11/15/2023	\$0.00	\$430.27	\$0.00	Paid 02/01/2024

Map: 14N12A 059

Printed: 04/24/2024

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

Location: 1618 BUTTERWORTH RD

BUTTERWORTH INVESTMENTS 2 LLC
107 ROSEBURY DR
CANTON, GA 30115

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

RETURN THIS PORTION WITH PAYMENT
(Interest will be added per month if not paid by due date)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: BUTTERWORTH INVESTMENTS 2 LLC
Map Code: 14N12A 059 Real
Description: OFF BUTTERWORTH RD
Location: 1618 BUTTERWORTH RD
Bill No: 2023-30029
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions
2,500.00	37,800.00	0.0000	\$40,300.00	11/15/2023			
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax
COUNTY M&O	\$40,300	\$16,120	\$0	\$16,120	4.954000	\$0.00	\$79.86
COUNTY WIDE FIRE DIST	\$40,300	\$16,120	\$0	\$16,120	2.764000	\$0.00	\$44.56
INS PREMIUM CREDIT	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00
PARKS BOND	\$40,300	\$16,120	\$0	\$16,120	0.319000	\$0.00	\$5.14
SCHOOL BOND	\$40,300	\$16,120	\$0	\$16,120	1.500000	\$0.00	\$24.18
SCHOOL M&O	\$40,300	\$16,120	\$0	\$16,120	16.450000	\$0.00	\$265.17
STATE TAX	\$40,300	\$16,120	\$0	\$16,120	0.000000	\$0.00	\$0.00
TOTALS					25.987000	\$0.00	\$418.91

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$418.91
Penalty	\$0.00
Interest	\$11.36
Other Fees	\$0.00
Previous Payments	\$430.27
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	02/01/2024

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

HAPPY TRAILS PROPERTIES LLC &
BUTTERWORTH INVESTMENTS LLC
510 GILMER FERRY RD
BALL GROUND, GA 30107

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-57018	11/15/2023	\$0.00	\$313.92	\$0.00	Paid 11/20/2023

Map: 14N12A 065

Printed: 04/24/2024

Location: BUTTERWORTH RD

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114



Tax Payer: HAPPY TRAILS PROPERTIES LLC &
Map Code: 14N12A 065 Real
Description: BUTTERWORTH RD
Location: BUTTERWORTH RD
Bill No: 2023-57018
District: 001

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
0.00	30,200.00	0.0000	\$30,200.00	11/15/2023				
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Credit	Net Tax	
COUNTY M&O	\$30,200	\$12,080	\$0	\$12,080	4.954000	\$0.00	\$59.84	
COUNTY WIDE FIRE DIST	\$30,200	\$12,080	\$0	\$12,080	2.764000	\$0.00	\$33.39	
INS PREMIUM CREDIT	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00	
PARKS BOND	\$30,200	\$12,080	\$0	\$12,080	0.319000	\$0.00	\$3.85	
SCHOOL BOND	\$30,200	\$12,080	\$0	\$12,080	1.500000	\$0.00	\$18.12	
SCHOOL M&O	\$30,200	\$12,080	\$0	\$12,080	16.450000	\$0.00	\$198.72	
STATE TAX	\$30,200	\$12,080	\$0	\$12,080	0.000000	\$0.00	\$0.00	
TOTALS					25.987000	\$0.00	\$313.92	

The 'HTRG Credit' reduction shown on your bill is the result of homeowner tax relief enacted by the Governor and the General Assembly of the State of Georgia.

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessors office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with The Tax Assessors Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.

Current Due	\$313.92
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$313.92
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/20/2023

LEGAL DESCRIPTION

OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF BUTTERWORTH ROAD AND SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 (VARIABLE R/W); THENCE EASTERLY ALONG THE SOUTHERN RIGHT OF WAY OF GEORGIA HWY 20 A TOTEL DISTANCE OF 403.6 FEET TO POINT; THENCE CONTINUING ALONG THE RIGHT OF WAY SOUTHERLY TO AN IRON PIN FOUND AND THE **TRUE POINT OF BEGINNING**; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 184.34 FEET WITH A RADIUS OF 1512.39 FEET, BEING SUBTENDE BY A CHORD BEARING OF NORTH 86 DEGREES, 58 MINUTES, 27 SECONDS EAST A CHORD DISTANCE OF 184.23 FEET TO A POINT, THENCE NORTH 07 DEGREES, 02 MINUTES, 31 SECONDS WEST ALONG THE EASTERLY RIGH OF WAY OF GEORGIA HWY 20 A DISTANCE OF 15.07 FEET TO A POINT; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY 20 AND THE ARC OF A CURVE TO THE LEFT HAVING AN ARC DISTANCE OF 158.40 FEET WITH A RADIUS OF 1497.39 FEET, BEING SUBTENDE BY A CHORD BEARING OF NORTH 80 DEGREES, 12 MINUTES, 10 SECONDS EAST A CHORD DISTANCE OF 158.33 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 24 DEGREES, 35 MINUTES, 05 SECONDS EAST A DISTANCE OF 175.55 FEET TO AN IRON PIN FOUND; THENCE SOUTH 25 DEGREES, 27 MINUTES, 06 SECONDS EAST A DISTANCE OF 196.88 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 59 MINUTES, 05 SECONDS WEST A DISTANCE OF 312.79 FEET TO AN IRON PIN FOUND; THENCE SOUTH 57 DEGREES, 47 MINUTES, 34 SECONDS WEST A DISTANCE OF 242.02 FEET TO AN IRON PIN FOUND; THENCE NORTH 32 DEGREES, 16 MINUTES, 25 SECONDS WEST A DISTANCE OF 149.26 FEET TO A POINT; THENCE NORTH 06 DEGREES, 11 MINUTES, 48 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT, THENCE SOUTH 78 DEGREES, 22 MINUTES, 57 SECONDS WEST A DISTANCE OF 210.40 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD (50 FOOT R/W), THENCE NORTH 16 DEGREES, 43 MINUTES, 47 SECONDS WEST ALONG THE EASTERLY RIGHT OF WAY OF BUTTERWORTH ROAD A DISTANCE OF 120..0 TO A POINT, THENCE LEAVING SAID RIGHT OF WAY NORTH 83 DEGREES, 23 MINUTES, 12 SECONDS EAST A DISTANCE OF 230.47 FEET TO A POINT; THENCE NORTH 06 DEGREES, 34 MINUTES, 28 SECONDS WEST A DISTANCE OF 187.24 FEET TO A POINT; THENCE NORTH 37 DEGREES, 42 MINUTES, 08 SECONDS EAST A DISTANCE

OF 151.16 TO A POINT AND THE TRUE POINT OF BEGINNING. CONTAINING 6.0108
ACRES PER SAID SURVEY.

LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACT 1 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARE BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

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LEGAL DESCRIPTION

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

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LEGAL DESCRIPTION

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 91 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AS SHOWN AS TRACTS 1, 2, AND 3 ON A PLAT OF SURVEY FOR BUTTERWORTH INVESTMENTS 2, LLC, PREPARED BY JON H. INHNATKO, DATED SEPTEMBER 3, 2019, AND BEING BETTER DESCRIBED AS FOLLOWS:

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EUGENE B. CHAMBERS
ATTORNEY AT LAW
HISTORIC JONES & CLOUD BUILDING
121 EAST MAIN STREET
P. O. BOX 4446
CANTON, GA. 30115

April 23rd, 2024

Mayor and City Council Members
City of Canton
110 Academy Street
Canton, GA 30114

RE: Applicant: Equity Land Partners, LLC
Letter of Intent

Greetings:

The Applicant, Equity Land Partners, LLC, has 6.0108 acres located in the Southeasterly corner of Georgia Hwy 20 (Knox Bridge Hwy) and Butterworth Road. The property is currently split zoned with general commercial (GC) along the frontage of Georgia Hwy 20 and one acre residential (R-40) on the balance of the property. The Applicant is seeking annexation into the City of Canton and applying for a city zoning classification of RA-8 for 41 townhomes, additionally the applicant is asking for a variance on the East boundary which would be for a reduction of the required 50-foot buffer to 25 feet. Except for the bounding property on the North which lies within the city limits of Canton, the balance of the bounding property lies within Cherokee County.

The adjacent zoning classification consist of PD-Mixed Use (City) lying on the North, GC and One acre and one-half acre residential (R-40 and R-20 in the county) on the East, One acre and one half acre residential (R-40 and R-20 in the county), and General Commercial and one acre residential (GC and R-40 in the county). Other zoning classifications nearby and within the City Limits of Canton include R-4 residential, R-10 residential, and RM-15 multi-family residential.

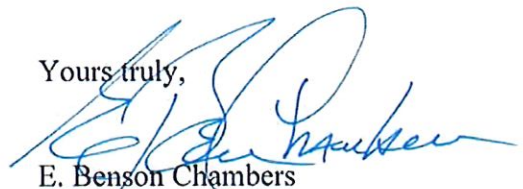
The subject property lies within the agreed upon growth boundary area with Cherokee County. The property also lies within the City of Canton service area. The neighborhood will have all utilities available to it, including water and sewer service provided through the City of Canton public works.

The Applicant has chosen not to have access to the community from Butterworth Road in an effort to discourage additional vehicles from Butterworth Road and its intersection with Georgia Hwy 20. The access for the neighborhood will be on Georgia Hwy 20, which is a full access four lane state highway along the frontage of the subject property. Placement of the only access on Georgia Hwy 20 should encourage vehicle usage on Georgia Hwy 20 from Marietta Highway (Georgia Hwy 5) with direct access to I-575.

The Applicant believes that this neighborhood will incorporate aspects of the Road Map for Success adopted by the City and will provide additional and alternative types of residential units for this area of the City. The neighborhood will improve infrastructure for future demands, create a diverse and great community. The design and layout provide for open area and buffers which will sustain the natural environment of the area.

On behalf of the Applicant thank you for taking your time for consideration of the neighborhood and project for zoning, annexation and variance.

Yours truly,



E. Benson Chambers
Attorney for the Applicant
Equity Land Partners, LLC

IN RE: EQUITY LAND PARTNERS, LLC

NOTICE OF CONSTITUTIONAL CHALLENGE

-1-

In accordance with the instructions attached to the zoning application, and in order to protect our rights for using our property at the highest and best use, and in a constitutional manner, we therefore submit that we have a constitutional issue to present in this case.

-2-

The classification of the subject property within the GC & R-40 Zoning Classification within which the owners proposed use is prohibited as not being a permitted use by the City of Canton Zoning Ordinances is unconstitutional, null and void in that such restriction effectively prohibits the owners to a use which is unreasonable and uneconomically suited; and, is thereby the equivalent of a substantial destruction of valuable rights of the owners without payment of just and adequate compensation in violation of the Compensation Clause of the 5th Amendment to the United States Constitution, Article 1, Section 3, Paragraph 1 of the Constitution of the State of Georgia, 1983, and the provisions of O.C.G.A. § 22-1-5.

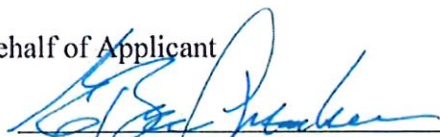
-3-

A refusal by the City of Canton to rezone our property as requested so as to permit a reasonable economic return on investment and a highest and best use or reasonable use of the property, would therefore be unconstitutional null and void and that this refusal is arbitrary capricious without a rational basis and thus constitutes an abuse of discretion which would affect the restricted property to a use to which it is unsuited. This action by the governing authority would effectually prohibit the owners from using their property for a use which is best suited and would constitute a taking of the owner's property in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia 1983, and the due process clause of the 14th Amendment to the Constitution of the United States.

-4-

Please be advised that the continued application of the GC & R-40 zoning classification to the owner's property results in little or no gain to the public in general and fails to promote the health, safety or morals of general welfare of the public and further does not bear fair and substantial relation to the objectives of the zoning ordinance, and would constitute a substantial construction of the property value of owners, and is confiscatory and void.

Respectfully submitted on behalf of Applicant

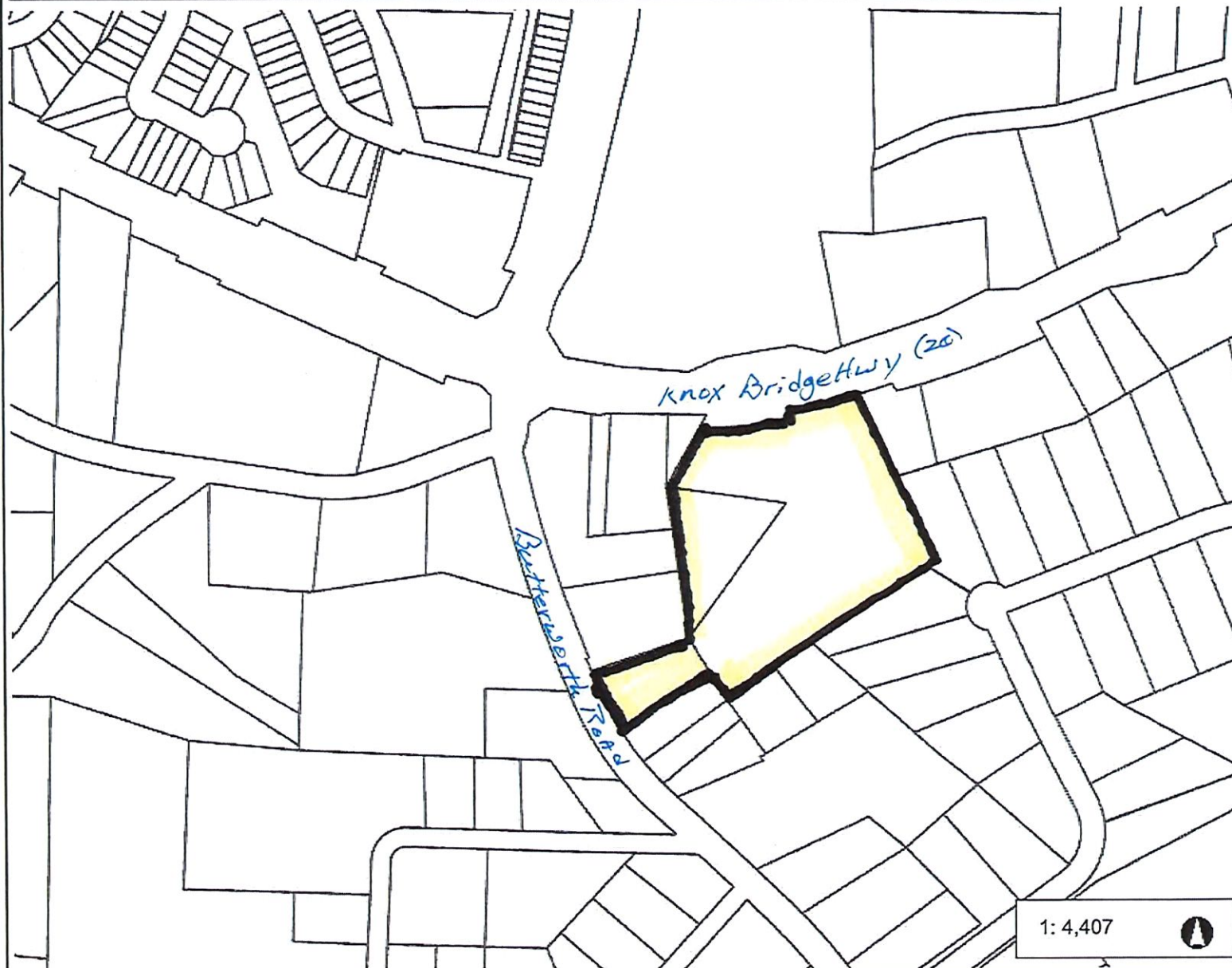


E. BENSON CHAMBERS

Attorney for Equity Land Partners, LLC.



Cherokee County, GA



Legend

- Parcels
- Parcels

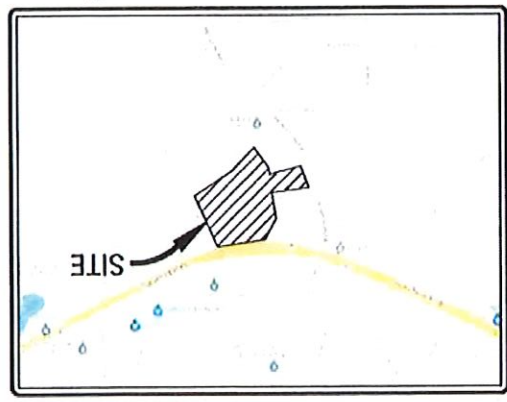
Location Map

1: 4,407



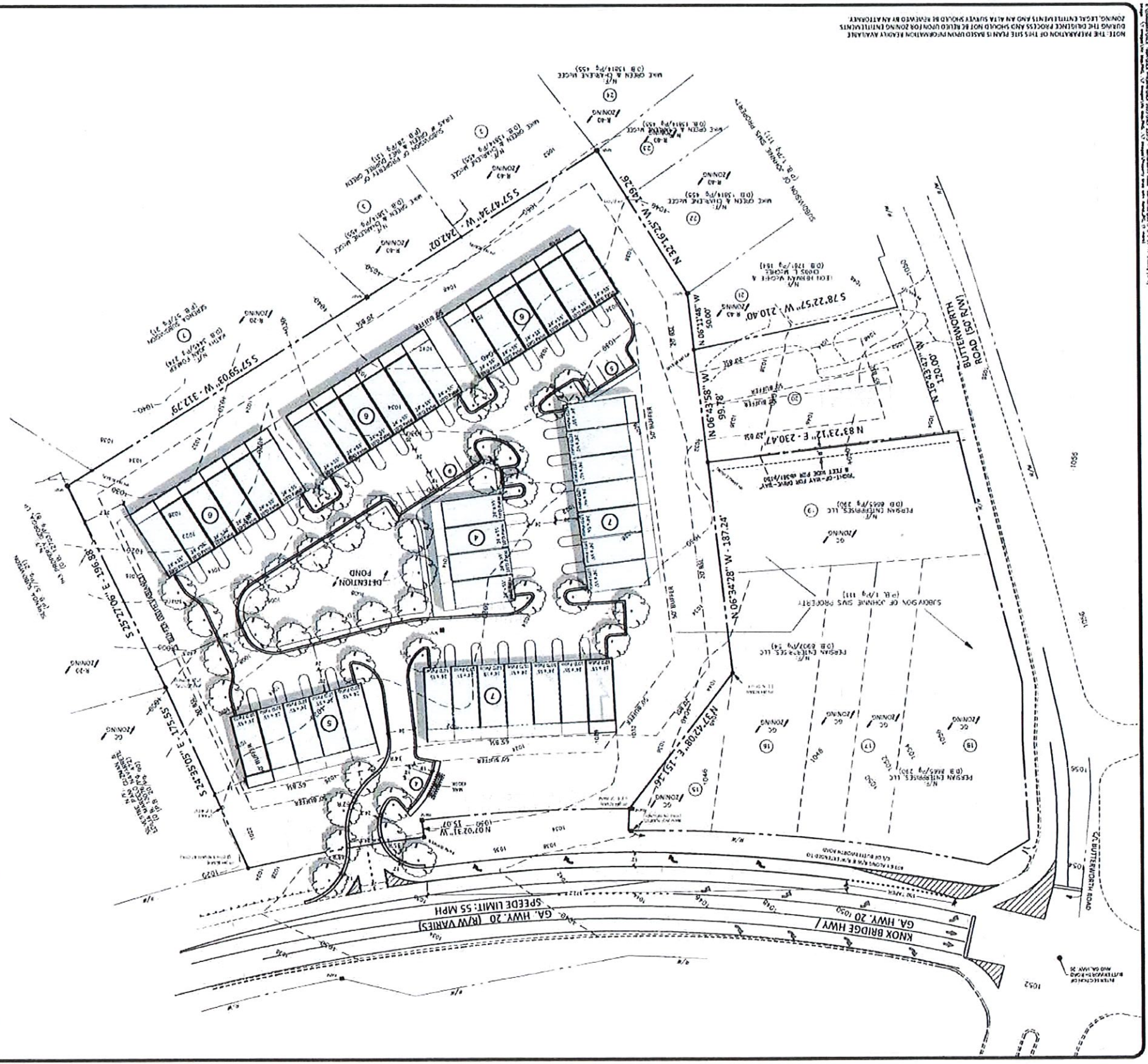
734.6 0 367.28 734.6 Feet

Notes

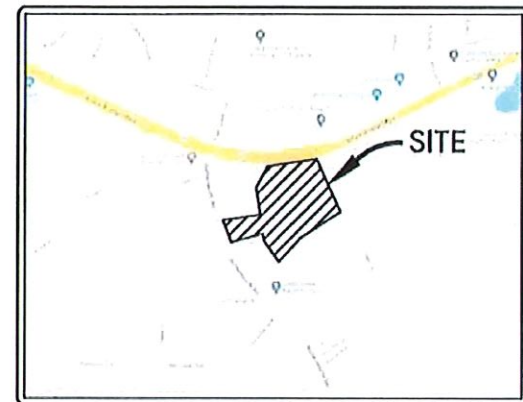
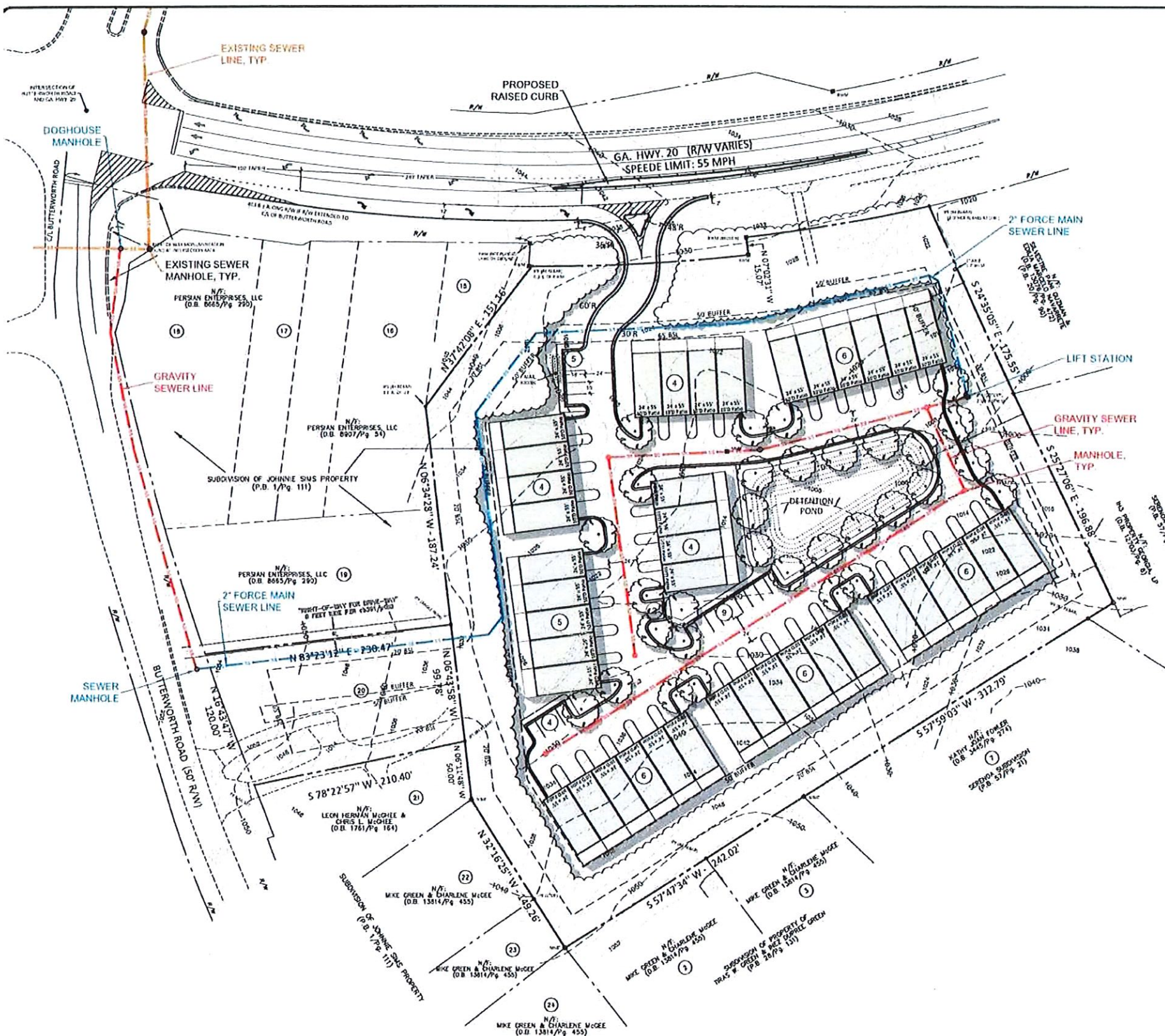


NOTE:
1. A BUFFER VARIANCE OF 25' IS NEEDED ALONG THE EASTERN BOUNDARY OF THE SITE.

Level 1		Level 2	
Existing/Req	Proposed	Existing/Req	Proposed
Zoning	RA-8	Use Allowed	YES
Use Specific Req	NO		
Flood Zone	NO		
National Wetlands Inventory	NO		
Overlay District			
TOWNHOMES			
24'x55' = 1,320 SF			
Total Townhomes			
41			
Total Units Per Acre			
6.01 AC			
Total Green Space Area			
3.18 AC (52.9%)			
Total Impervious Area			
2.83 AC (47.1%)			
Building Setbacks			
Front 65'			
Side 20'			
Rear 20'			
Undisturb Buffers			
GC Buffer 50'			
R-40 and R-30 Buffer 25'			
Other Government Buffer 50'			
Level 2			
Additional Parking Spaces	23	Parking Ratio	
Compact Parking %		Loading Space	
15 - Open Space %		Minimum Lot Size	
Adjacent Zoning North		Minimum Frontage	
Adjacent Zoning South		Adjacent Zoning East	
Adjacent Zoning West		Water Sewer Proximity	
Overlay Requirements			



NOTE: THE PREPARATION OF THIS PLAN IS BASED UPON INFORMATION READILY AVAILABLE DURING THE DESIGN PROCESS AND SHOULD NOT BE RELIED UPON FOR ZONING DETERMINATIONS. LEGAL DETERMINATIONS AND AN ALTA SURVEY SHOULD BE REVIEWED BY AN ATTORNEY.



VICINITY MAP

Level 1		
	Existing/Req	Proposed
Zoning		RA-8
Use Allowed		YES
Use Specific Req		-
Flood Zone		NO
National Wetlands Inventory		NO
Overlay District		-
TOWNHOMES		
Townhome Sd/Blkg		24'x55' - 1,320 SF
Total Townhomes		41
Total Site Area		6.01 AC
Building Setbacks		
Front	65'	
Side	20'	
Rear	20'	
Undisturb Buffer	50'	
GC Buffer	50'	
R 40 and R 20 Buffer	25'	
Other Government Buffer	50'	
Level 2		
	Existing/Req	Proposed
Parking Ratio		
Additional Parking Spaces		20
Parking Size		
Compact Parking %		
Landscaping		
LS - Open Space %		
Minimum Lot Size		
Minimum Frontage		
Adjacent Zoning North		
Adjacent Zoning South		
Adjacent Zoning East		
Adjacent Zoning West		
Water Sewer Proximity		
Overlay Requirements		

NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE DURING THE DUE DILIGENCE PROCESS AND SHOULD NOT BE RELIED UPON FOR ZONING ENTITLEMENTS, ZONING, LEGAL ENTITLEMENTS AND AN ALTA SURVEY SHOULD BE REVIEWED BY AN ATTORNEY

SCALE 1" = 40'

civillocustix
500 SUN VALLEY DRIVE, STE H3, ROSWELL, GA 30076
(404) 592-4403 - civillocustix.com

PRELIMINARY SITE PLAN
BUTTERNORTH RD TOWNHOMES
8420 KNOX BRIDGE HWY
CANTON, GA 30116

CP5
23313
JANUARY 17, 2024

REVISIONS



EUGENE B. CHAMBERS
ATTORNEY AT LAW
HISTORIC JONES & CLOUD BUILDING
121 EAST MAIN STREET
P. O. BOX 4446
CANTON, GA. 30115

June 13th, 2024

City of Canton
Mayor and Council
110 Academy Street
Canton, GA 30114

RE: Equity Land Partners, LLC
Public Input Meeting Report

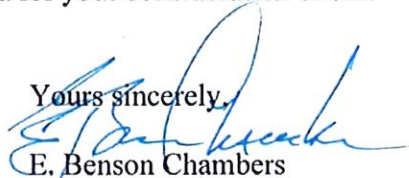
Mayor and Council:

The Public Input Meeting for the application of Equity Land Partners was held last night, June 12th, 2024, at the R.T. Jones Memorial Library. The official start time of the meeting was 6:30 p.m., with attendees arriving as early as 6:00 p.m. and continuing until 7:15 p.m. There were 17 attendees including one couple from outside the notice area plus myself and 2 members of the Applicant for a total of 20 in attendance. Copies of the meeting sign-in-sheet are provided with this report. Based upon the sign-in-sheets it appears that most attendees were from the Serenoa Subdivision and surrounding area of Butterworth Road. At the meeting attendees had an opportunity to view an enlarged color version of the site plan, an example of possible housing elevation, a copy of the City of Canton Zoning Map, a copy of the City of Canton Future Character Area Map and a copy of the application was available for review. Information was provided about the project, including number of units, buffers, green space, access from State Hwy 20, and overall design and layout. Information was provided about the annexation, rezone, and conditional use permit processes.

Feedback from the attendees included concerns about the current traffic on Butterworth Road, which was the major topic of discussion. At the meeting it was learned from one of the attendees that GDOT plans to construct a roundabout at the intersection of Hwy 20, Butterworth Road, and River Green Avenue which will address the expressed concerns. Additionally, there were questions and concerns including infrastructure, such as water pressure, provision of electricity, possible road improvements and the access availability for emergency and police services.

On behalf of Equity Land Partners, LLC thank you for your consideration of this information.

Yours sincerely,


E. Benson Chambers
Attorney for Applicant

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