



Action Requested/Required:

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

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

Agenda Item Title:

Information Only - Cases ANNX2604-001, RZON2604-004, VAR2604-001 - Request to Annex +/- 0.684 Acres located at 1763 Ball Ground Highway and Rezone from R-40 (County) to GC (City)

Summary:

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

Budget Implications:

Budgeted? Yes No N/A
Total Cost of Project: Check if Estimated
Fund Source: General Fund Water & Sewer Sales Tax Other:

Staff Recommendations:

A Staff Report will be presented to the Mayor and City Council at the Public Hearing on June 4, 2026. There is no recommendation at this time.

Reviews:

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

Attachments:

Application
LOI
Site plans



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

PUBLIC HEARING APPLICATION

Project #(s):

ANNX2604-001, RZON2604-004

This Application is for:

- A** Annexation
- B** Rezoning
- C** Master Plans
- D** Master Plan Amendment
- E** Conditional Use Permit
- F** Land Use Modification
- G** Zoning Condition Amendment
- H** Density Transfer within Master Plan
- I** Temporary Use Permit
- J** Zoning Ordinance Text Amendment
- Appeal
- Adjustment
- Special Exception

- 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.
- If you are not paying online, please make your check payable to **"City of Canton."**
- If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1500.

Applicant Information:

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

Owner Information:

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

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

This 31st day of March, 2026.

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



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

AUTHORIZATION OF OWNER AND APPLICANT

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

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

This 28 day of March, 2026.

Owner Signature: [Signature] Print Name: Suresh Manikonda

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

This Application is for:

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

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

Signature: [Signature]

Mailing Address: 24 Dawson Village Way S

City: Dawsonville

State: Ga Zip Code: 30534

Telephone: 706-265-1234

E-mail: oherbert@davisengineers.com

Applicant Status:

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

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

Notary Signature: [Signature]





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

DISCLOSURE FORM

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

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

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

Section 1

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

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

Section 2

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

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

	Description
\$	_____
\$	_____
\$	_____



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

PROPERTY INFORMATION

Project #(s):

ANNX2604-001, RZON2604-004

Address: 1763 Ball Ground Hwy, Canton, Ga 30114

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

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

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

ADJACENT PROPERTY/OWNER INFORMATION:

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

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	N/F LARA MEJIA ZAID EDEN / TIN:14N22B 014	R40	None
SOUTH	N/F 1671 BALLGROUND HWY LLC / TIN: 14N22B 002	GC	None
EAST	N/F ACKBARZADEH PAUL M / TIN: 14N22B 021	R40	None
WEST	N/F LATHEM REJOHNN A D / TIN: 14N22B 033	R40	Single Family Residential
OTHER	N/F COCHRAN MAC H / TIN: 14N22 020	GC	None
OTHER			
OTHER			

UTILITY INFORMATION:

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

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

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

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



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

PUBLIC SCHOOL INFORMATION

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

PUBLIC SCHOOL POLICY STATEMENT:

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

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

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

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

ZONED SCHOOLS: *(circle one each)*

<u>HIGH:</u>	CHEROKEE	CREEKVIEW	ETOWAH	SEQUOYAH
<u>MIDDLE:</u>	CREEKLAND	DEAN RUSK	FREEDOM	TEASLEY
<u>ELEMENTARY:</u>	AVERY	BALL GROUND	CLAYTON	HASTY
	INDIAN KNOLL	KNOX	R.M. MOORE	SIXES



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

REVIEW CRITERIA

Project #(s):

ANNX2604-001, RZON2604-004

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

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

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

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

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

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

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

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

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



DAVIS ENGINEERING
& SURVEYING

Est. 2009

CIVIL ENGINEERING | LAND SURVEYING | CONSTRUCTION LAYOUT

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

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

To Whom It May Concern,

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Charles N. Herbert III, P.E.

April 13, 2026

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

Re: Variance Request – Type B Landscape Buffer

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

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

Acreage: ±0.684 Acres

To Whom It May Concern,

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

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

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

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

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

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

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

Sincerely,

Charles N. Herbert, III, P.E.



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

VARIANCE APPLICATION

Project # VAR2604-001

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

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

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

X Charles N. Herbert, III
APPLICANT SIGNATURE

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



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

VARIANCE PUBLIC HEARING APPLICATION

Project #(s): VAR2604-001

This Application is for a:

- Pre-Construction Variance
 Post-Construction Variance

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1559.

Applicant Information:

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

Owner Information:

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

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

This 13 day of April, 2026.

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



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

AUTHORIZATION OF OWNER AND APPLICANT

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

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

This 9 day of April, 2026.

Owner Signature: [Signature] Print Name: Suresh Manikonda

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

- Pre-Construction Variance
- Post-Construction Variance

Authorized Applicant Name:

Charles N. Herbert, III, P.E.

Signature: [Signature]

Mailing Address:

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

Applicant Status:

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

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

Sworn To and Subscribed Before Me This 9 Day Of APRIL, 2026.

Notary Signature: [Signature]



[Signature]
4-9-26



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

PROPERTY INFORMATION

Project #:

VAR2604-001

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

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

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

Existing Use(s) Of Property Vacant

ADJACENT PROPERTY/OWNER INFORMATION:

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

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	N/F LARA MEJIA ZAID EDEN / TIN:14N22B 014	R40	NONE
SOUTH	N/F 1671 BALLGROUND HWY LLC/ TIN: 14N22B-002	GC	NONE
EAST	N/F ACKBARZADEH PAUL M / TIN: 14N22B 021	R40	NONE
WEST	N/F LATHEM REJOHNNNA D / TIN: 14N22B 033	R40	Single Family Residential
OTHER	N/F COCHRAN MAC H / TIN: 14N22 020	GC	NONE
OTHER			
OTHER			

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

Please explain the reasoning for the requested variance:

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

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



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

VARIANCE REVIEW CRITERIA

Project #:
VAR2604-001

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

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

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

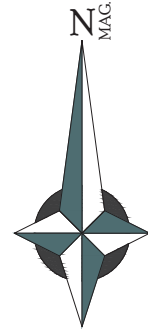
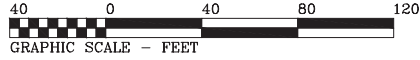
Has the condition from which relief or variance is sought been a result from action by the Applicant? No, the applicant has performed no work on site.

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

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City? No, the variance would pose no impairment on the city, or its residents.

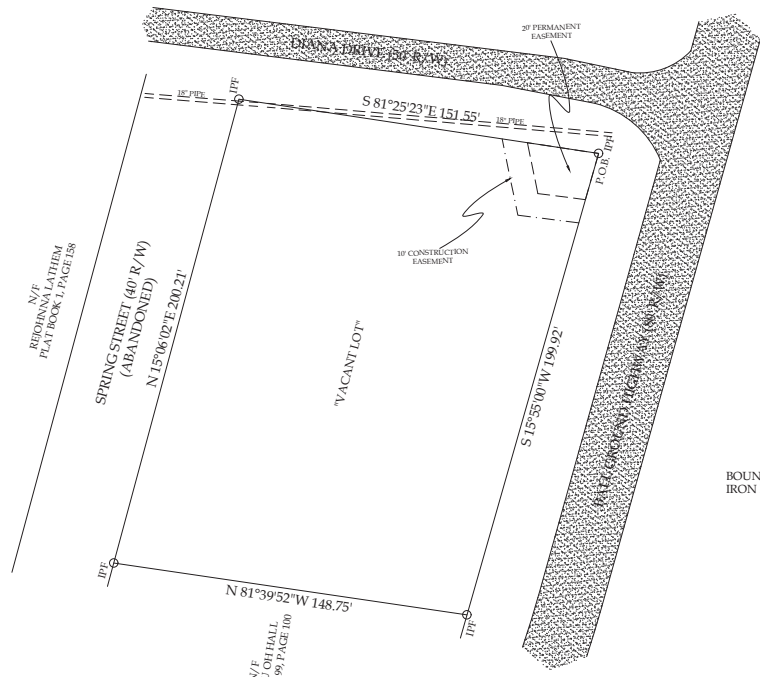
(These criteria should additionally be addressed in the required Letter of Intent.)

EASEMENTS SHOWN AS PER PLAT BY CHEROKEE COUNTY WATER & SEWAGE AUTHORITY (DEED BOOK 4426, PAGE 142)



LEGEND:

HY	= IRON PIN SOUNG (1/2" REBAR)
HS	= IRON PIN SET (1/2" REBAR)
MS	= WALL SET
MS	= MAIL BOX
OTF	= OPEN TOP FENCE
USMFP	= U.S. CORP. MONUMENT FOUND
CMF	= CONCRETE MONUMENT FOUND
APF	= AILE FOUND
RMW	= RIGHT OF WAY MONUMENT
R/W	= RIGHT OF WAY
P/L	= PROPERTY LINE
C/L	= CENTER LINE
B/L	= BUILDING LINE
L	= LAND LOT
L/L	= LAND LOT LINE
L/L	= LOCAL HIGHWAY DISTRICT
P.A.	= PLAT BOOK
-TSP-	= TREE SAVED FENCE
-S-	= SINK
-P-	= POWER LINE
-SF-	= SELF FENCE LINE
-C-	= CHAIN MAIL
X/W	= CROSS TIE WALL
MA	= MOUND
CH	= CHOP
MS	= MAIL BOX
N/L	= NAIL LENGTH
P/L	= PLAT BOOK
SB	= SUD BOOK
P.D.	= PAGE
S.E.	= SURVEYOR'S EASEMENT
CA	= CURB
U/L	= UTILITY MANHOLE
CS	= CATCH BASIN
J.B.	= JUNCTION BOX
CS	= CATCH BASIN
RE	= RECURSION
RRD E	= EXISTING SPOT ELEVATION
RRD F	= FINISHED SPOT ELEVATION
F.F.E.	= FINISHED FLOOR ELEVATION
-FLOW-	= SURFACE DRAINAGE FLOW



BOUNDARY LINES ESTABLISHED BY IRON PINS LOCATED IN FIELD

Notes:
 THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180 OF THE BOARD RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.
 THIS SURVEY WAS NOT PREPARED WITH THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MAY BE RECORDED.
 THIS TRAVELER HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT BY SPREAD SHEET EQUIPMENT USED: TOPCON GTS-225

FLOOD NOTE:
 THIS PROPERTY IS IN AN AREA HAVING SPECIAL FLOOD HAZARD AS PICTURED IN PANEL NO. 13657204-E DATED JUNE 7TH 2019, ZONE 'X'

REV.	DESCRIPTION	DATE

4114 ADDRESS: 1763 BALL GROUND HIGHWAY CANTON, GA 30114

TYPE OF SURVEY: RETRACEMENT SURVEY

SCALE AT ANS F	PLAT DATE	FIELD CREW	FIELD DATE
1 INCH = 40 FEET	06/22/20	ZW/MB	06/19/20
DRAWN BY:	DR NUMBER:	SHEET #:	
ZW	BP15959	1 of 1	



SURVEYOR'S CERTIFICATION
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

SURVEY FIRM:
SURESH MANIKONDA
 BUSBEE & POSS LAND SURVEYING CO. GA L.S.F. # 1036
 RICKY C. BUSBEE, GA P.L.S. # 2497
 MICHAEL W. POSS JR, GA P.L.S. # 3387

LEGAL:
 LOTS 9, 10, 11, & 12, NORTH CANTON PLAT BOOK 1, PAGE 138
 LAND LOT 227, 14th DISTRICT, 2nd SECTION CHEROKEE COUNTY, GEORGIA
AREA:
 29,812 ft² (0.684 ACRES)

bp
BUSBEE & POSS LAND SURVEYING COMPANY
 3408 HOWELL STREET, SUITE A DULUTH, GEORGIA 30096
 770.487.8866
 FAX: 770.487.9881
 www.busbeeposs.com

THIS BLOCK IS RESERVED FOR THE CLERK OF SUPERIOR COURT