

VARIANCE/CONDITIONAL USE APPLICATION FORM
CITY OF CUMMING, GEORGIA

RECEIVED

FEB 09 2024

CITY OF CUMMING

Request No. 2024037

Date Paid: _____ Receipt # _____

Residential Variance Request Fee \$400.00

Commercial Variance Request Fee \$750.00

Property Owner: Name: Bandy Chester

Address: 8016 Heardsville Cir

Cumming GA 30028

Phone: 404-788-8415

Applicant: Name: same as above

(if different from owner) Address: _____

Phone: _____

Agent: (if applicable) Name: _____ Phone: _____

Existing Zoning: R1

Proposed Variance: conditional use

Existing Use: residential

Proposed Use: church

Acreage of Site: 2.78

Location of Property: 375 Mary Alice Park Rd

(street address) Cumming GA 30041

Tax Map and Parcel # C38-005 - C38-004

Applicants shall submit (22) sets of application as follows in order; Application 3 pages, letter of intent, legal description with metes and bounds, plat survey, required site plans, developments plans, and elevation drawings to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review. In addition, application needs to include Section 1908 stream buffer variance requirements of the City of Cumming Zoning Ordinance if applicable.

All (22) sets must be on 8 1/2 x 11 inch paper. Do not staple!

Please be advised of the following:

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved.
- 2) It is a legal requirement that the public hearing for this Variance be advertised in the legal County organ in addition to posting a variance sign on the subject property.

Complete the following information. (This section may be addressed in the letter of intent.)

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and

THERE ARE NO SUCH EXISTING CONDITIONS

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the property is located; and

THERE IS NO HARDSHIP

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and

THERE WOULD BE NO SPECIAL PRIVILEGES

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and

THE CUP WILL NOT INJURE ANY PROPERTIES

5. The special circumstances are not the result of the actions of the applicant; and

THERE ARE NO SPECIAL CIRCUMSTANCES

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure; and

THE REQUEST IS THE MINIMUM NECESSARY

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

A PLACE OF WORSHIP IS PERMITTED WITH A CUP

8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

THERE WOULD BE NO BURDEN. ADDITIONAL TRAFFIC DURING TRADITIONAL CHURCH HOURS WOULD BE THE ONLY INCREASE

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

THIS REQUEST CONFORMS TO LAND USE PLANS

Property Owner's Certification

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of the rezoning of this property. I further certify that, within the past two years, the applicant has not made any campaign contributions or made gifts of \$250 or more to members of the Governing Body or Planning Commission who will consider this application, or that if such contributions or gifts have been made, the amount and recipient of such contributions or gifts will be disclosed within ten (10) days after this application is first filed, as required by Title 36, Chapter 85, Georgia Laws.

Signature of Property Owner: Randy Chester

Printed Name of Property Owner: RANDY CHESTER

Date of Signature: 2-9-24

DATE OF SURVEY: 5-8-1995

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PERCENTAGE OF ONE FOOT IN 24,154 FEET. AN ANGULAR ERROR OF 3 SECONDS HAS BEEN ADJUSTED TO THE INTERSECTION POINTS IDENTIFIED. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 50,787 FEET.

BEARING SURVEYS ARE BASED ON ANGLES TURNED FROM A SINGLE MOUNTAIN OBSERVATION AND ARE SUBJECT TO FIELD CONDITIONS.

THE EQUIPMENT USED FOR ANGULAR AND DISTANCE MEASUREMENTS WAS A TOPCON DS-28.

THIS PROPERTY IS NOT LOCATED WITHIN THE 100-1500 FLOOD HAZARD AREA AS PER FLOOD INSURANCE RATE MAP NO. 131170155F DATED 02/04/13.

TOTAL = 2.778 ACRES
121,000.10 SQUARE FEET
ZONED: R1
PARCELS: C38 004 & C38 005

THIS SURVEY AND ITS FINDINGS DOES NOT CONSTITUTE A TITLE SEARCH OR TITLE OPINION BY RICHARD WEBB & ASSOCIATES AS LAND SURVEYORS. ALTHOUGH A SEARCH FOR THE USE OF THIS PLAN HAS BEEN MADE, THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS, DEEDS, EASEMENTS, OR OTHER INTERESTS AS REFERENCED, NO ABSTRACT OF TITLE OR THE COMMENTARY, NOR RESULTS OF TITLE SEARCHES WERE PROVIDED TO THE SURVEYOR UNLESS OTHERWISE NOTED. OTHER DOCUMENTS OR SURVEYS MAY BE AVAILABLE IN THE PUBLIC RECORDS OF THE COUNTY AND STATE. IN CONNECTION WITH THIS SURVEY, A TITLE SEARCH AND CERTIFICATE IS RECOMMENDED IN CONSULTATION WITH THIS SURVEYOR OR YOU MUST CONSULT A COMPETENT TITLE ATTORNEY.

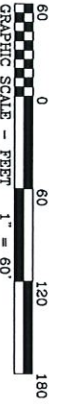
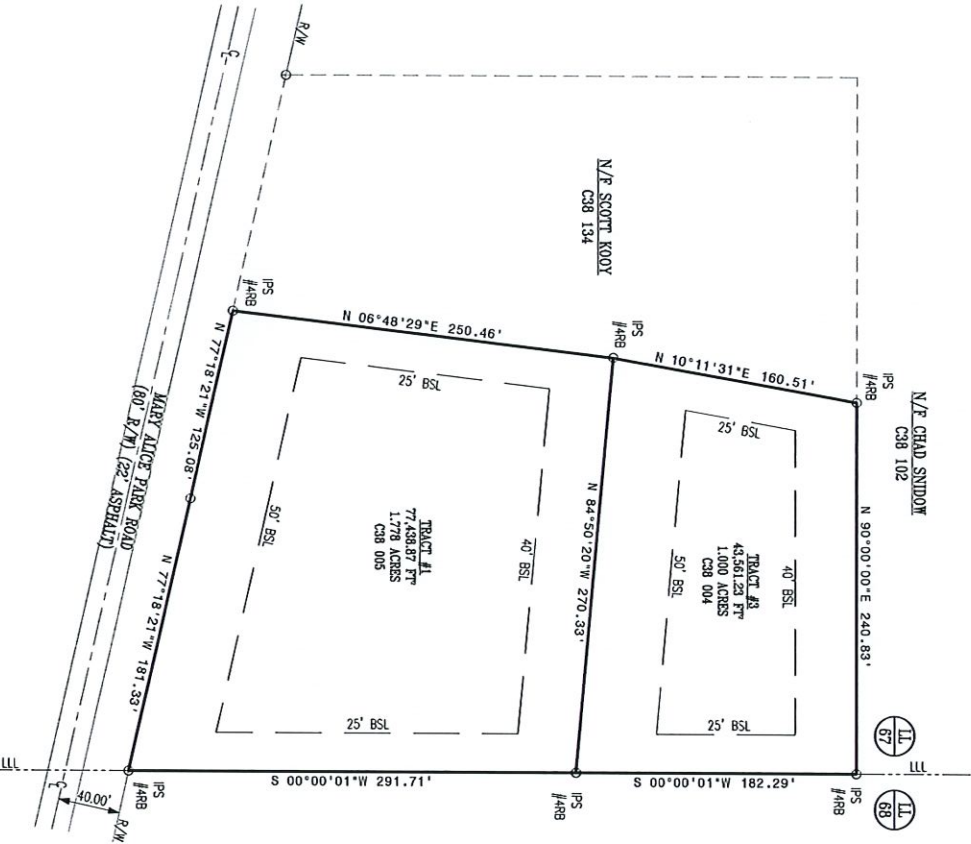
- LEGEND**
- B/C = BACK OF CURB
 - B/S.L. = BUILDING SETBACK LINE
 - P/L = PROPERTY LINE
 - R/W = RIGHT OF WAY
 - L/L = LAND LOT LINE
 - N/P = NOW OR FORMERLY
 - P/O = POINT OF BEGINNING
 - N/S = NOT TO SCALE
 - R/S = RAILROAD SPOUR
 - COR MON = USCOE MONUMENT
 - BS = BENCH MARK
 - TS = TOWER SIGN
 - OT = OPEN TOP PIPE
 - SL ROD = SQUARE ROD
 - AN = ANGLE IRON FOUND
 - MP = METAL PIPE
 - CP = CORRODED PIPE
 - WM = WATER WHEEL
 - WV = WATER VALVE
 - PL = POWER POLE
 - PL BOX = PHONE BOX
 - U/C = UNDERGROUND
 - C/S = SEWER CLEAN-OUT
 - SS = SWAMPY SPOT
 - FE = FINISHED FLOOR ELEV.
 - RI = PRE HIRPANT
 - BE = BRONZE BENCHMARK
 - DI = IRON PIPE
 - DI = IRON SILET
 - LP = LOT CORNER PLAK
 - SMPS = SINGLE WING CATCH BASIN
 - CS = CAST IRON
 - CS = CAST LINE
 - SS = SANITARY SEWER LINE
 - PS = POWER LINE
 - TL = TELEPHONE LINE
 - W = WATER LINE
 - X-X = FENCE LINE

NOTES & REFERENCES:
 1. FORESTH COUNTY RECORDS:
 DEED BOOK 4202, PG 214
 DEED BOOK 916, PG 58

OWNER INFO:
 EDWIN E. CHESTER
 C/O RANDY CHESTER
 NANCY DEAN CHESTER
 808 HENRIETTA CHURCH
 CUMMING, GA 30041

PROPERTY INFO:
 375 MARY ALICE PARK RD
 CUMMING, GA 30040

PLAT FOR:
RANDY CHESTER
 CITY OF CUMMING
 LAND LOT 67
 2ND DISTRICT 1ST SECTION
 FORSYTH COUNTY, GEORGIA
 MARCH 5, 2024



It is hereby certified that all monuments and improvements shown hereon actually exist except as otherwise indicated, and that their location, size, type and material are correctly shown.

By: *[Signature]*
 Registered Georgia Land Surveyor No.: RL2507

RICHARD WEBB & ASSOCIATES
 Technical Land Services Inc. 4/19/14
 Land Surveying Consultants
 P.O. BOX 561 CUMMING GA 30028 (770)-898-6103
 100 KELLY HILL ROAD CUMMING GA 30040
 Email: rwebb@rdwebbassoc.com

JOB NO. 24061

LEGAL DESCRIPTION

All that tract or parcel of land lying in the City of Cumming, in Land Lot 67 of the 2nd District, 1st Section of Forsyth County, Georgia being Tract #1 as per a survey for Randy Chester by Richard Webb & Associates dated March 5, 2024, being more fully described as follows:

The True Point of Beginning is at an IPS #4RB at the intersection of the northerly R/W of Mary Alice Park Road (80' R/W) and the easterly Land Lot Line of Land Lot 67.

Thence leaving said Land Lot Line along said R/W
N77°18'21"W a distance of 181.33' to a Point;
Thence N77°18'21"W a distance of 125.08' to an IPS #4RB;
Thence leaving said R/W
N06°48'29"E a distance of 250.46' to an IPS #4RB;
Thence S84°50'20"E a distance of 270.33' to an IPS #4RB
On said Land Lot Line;
Thence along said Land Lot Line
S00°00'01"W a distance of 291.71' to an IPS #4RB;
Which is the True Point of Beginning,

Together with and subject to covenants, easements, and restrictions of record.

Having an Area of 1.778 Acres, 77,438.87 Square Feet

LEGAL DESCRIPTION

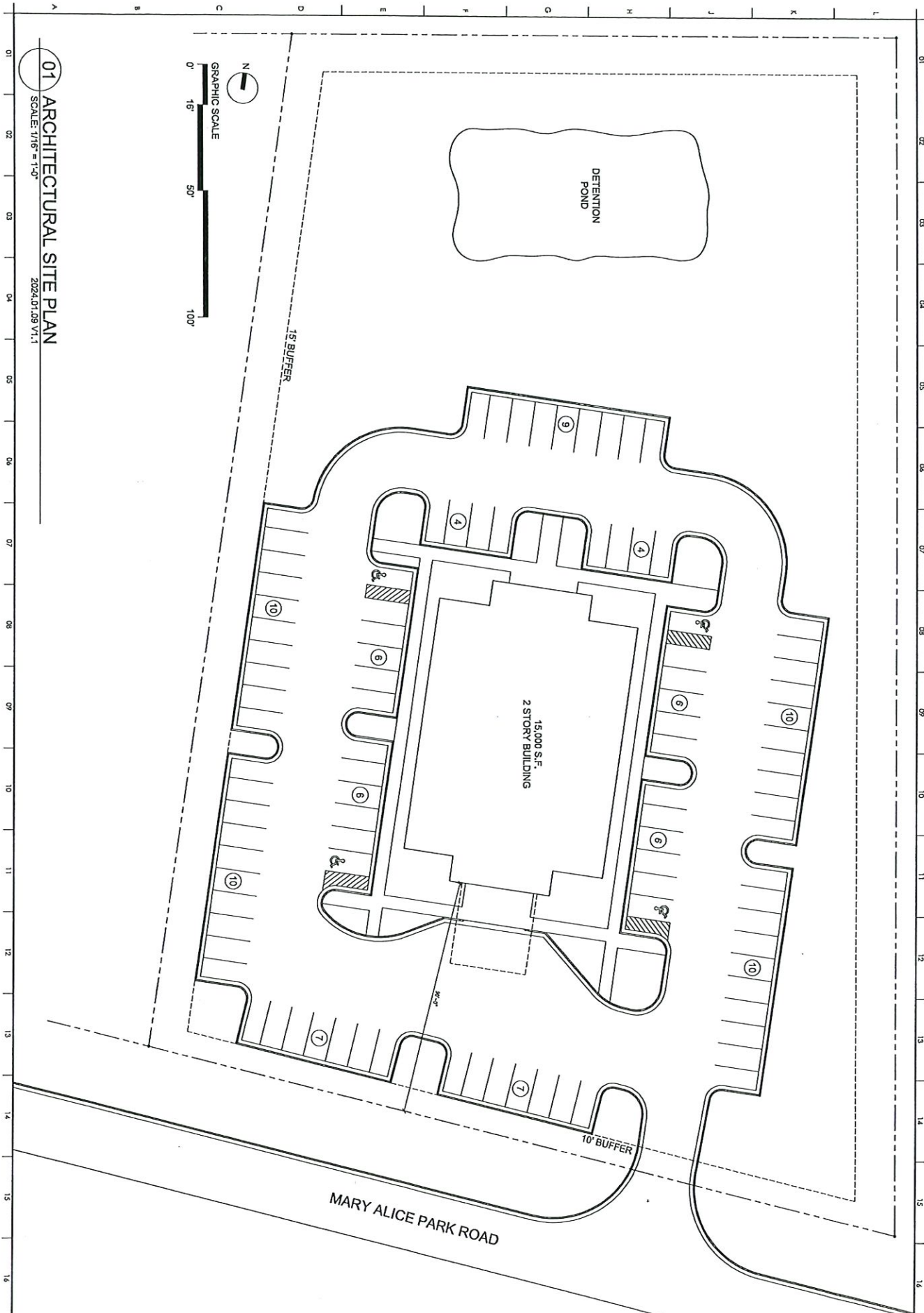
All that tract or parcel of land lying in the City of Cumming, in Land Lot 67 of the 2nd District, 1st Section of Forsyth County, Georgia being Tract #2 as per a survey for Randy Chester by Richard Webb & Associates dated March 5, 2024, being more fully described as follows:

To establish the True Point of Beginning commence at an IPS #4RB at the intersection of the northerly R/W of Mary Alice Park Road (80' R/W) and the easterly Land Lot Line of Land Lot 67; Thence leaving said R/W along said Land Lot Line N00°00'01"E a distance of 291.71' to an IPS #4RB; Said IPS #4RB being the True Point of Beginning;


With the True Point of Beginning being established ;
Thence leaving said Land Lot Line
N84°50'20"W a distance of 270.33' to an IPS #4RB;
Thence N10°11'31"E a distance of 160.51' to an IPS #4RB;
Thence N90°00'00"E a distance of 240.83' to an IPS #4RB
On said Land Lot Line;
Thence along said Land Lot Line
S00°00'01"W a distance of 182.29' to an IPS #4RB;
Which is the True Point of Beginning,

Together with and subject to covenants, easements, and restrictions of record.

Having an Area of 1.000 Acres, 43,561.23 Square Feet



01 ARCHITECTURAL SITE PLAN
 SCALE: 1/16" = 1'-0"
 2024.01.09 V1.1

<p>SHEET AS1.01</p>	<p>DATE: 2024.01.09</p>	<p>  MASTER PLAN IGLESIA LUZ Y VIDA 115 MARY ALICE PARK ROAD CUMMING, GEORGIA BCB, P.C. ARCHITECTS 1760 SAWNEE OAKS LANE, CUMMING, GA 30040 PH. 678-3419118 </p>	<p>ARCHITECTURAL ARCHITECTURAL SITE PLAN</p>	<p> <small> ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. </small> </p>
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