

City of Cumming Planning & Development

100 Main Street  
Cumming, Georgia 30040  
Phone: (770) 781-2024  
Email: [s.morgan@cityofcumming.net](mailto:s.morgan@cityofcumming.net)  
Website: [www.cityofcumming.net](http://www.cityofcumming.net)

Annexation Petition  
into the  
City of Cumming, GA

Annexation#

2025002

Received  
1-9-2025

Please Print Clearly

Applicant's Name:

Hutchinson Place Apts, LLC / Hoff Homes LLC

Applicant's Mailing Address: 1100 Turner Road Ste D

City: Cumming State: Ga Zip: 30040

Applicant's Telephone Number(s): 404-578-4774

Address of Property to be Annexed: 3300 Hutchinson Road Cumming Ga/32515 Casteberry Road

County Zoning Classification: R-3 and A-1

Requested City Zoning Classification: R3

Tax Map # 128 Parcel # 071-068 Land Lot # 85/132

District # 2nd District Size of Property in Acres: 4.53 acres and .44 acres

Current Use of Property: Apartments and vacant land

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- An 8 1/2 x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Cumming, Georgia (**Attached hereto as Exhibit "A"**).
- A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed (**Attached hereto as Exhibit "B"**).
- Survey must be signed and sealed by a Registered Land Surveyor.
- If property is to be rezoned upon annexation, you must file a separate Re-Zoning Application along with this petition.

Please answer the following questions:

1. Intended Use of Land: ☒ Residential ☐ Commercial  
☐ Existing Structure(s) ☐ Vacant  
☐ Other (specify) \_\_\_\_\_

2. Number of persons currently residing on the property: 34

Number 18 years or older: 27 ; Number registered to vote: N/A

3. The number of all residents occupying the property:

_____ American Indian	_____ Alaskan Native
_____ Asian	_____ Pacific Islander
1 Black, not of Hispanic Origin	13 Hispanic
20 White, not of Hispanic Origin	

4. The U.S. Department of Commerce requires certain information for the purpose of Population Estimates. Please complete the attached **Exhibit "C"**. attached at Exhibit C

5. Please briefly describe your reason for seeking annexation: The proposed property is contiguous to the city boundary. We enjoy city water and city sewer is available across the road. Being familiar with city administration, their utilities, their police and fire protection, we feel it would be better for us as owners and our tenants as residents.

I/We the undersigned, being the owner(s) of real property of the territory described herein, understanding that the City of Cumming has not sought this annexation but that the undersigned files this petition voluntarily of its own free will and volition, respectfully request that the Mayor and City Council of the City of Cumming, Georgia annex this property into the City and extend the City boundaries to include the same.

Upon signature of this document, I/We the undersigned certify that all the information provided is true and accurate to the best of our knowledge.

<u><i>Kenneth Vanderhoff</i></u>	<u><i>Todd Vanderhoff</i></u>	<u><i>Kenneth Vanderhoff</i></u>	<u><i>Todd Vanderhoff</i></u>
Property Owner's Signature	Date	Applicant's Signature	Date

Kenneth Vanderhoff/Todd Vanderhoff  
Property Owner's Printed Name

Kenneth Vanderhoff/Todd Vanderhoff  
Applicant's Printed Name

1100 Turner Road Ste D  
Applicant's Address

770-653-1591 or 404-578-4774  
Applicant's Telephone Number

Annexation Application Checklist: Date Rec'd _____		Completed Application with Signatures	
Rec'd _____		Exhibit "A" – Current Boundary Survey	
Rec'd _____		Exhibit "B" – Legal Description	
Rec'd _____		Exhibit "C" – Population Estimate Information	
Date of Planning Commission Meeting (if rezone): _____			
Dates Advertised: _____			
Date of City Council Reading: _____		Approved: YES NO	
Certified Mail: _____ County Board of Commissioner Chairman _____ County Manager _____ County Attorney _____			



## Exhibit "C" – Population Estimate Information

A. Number of existing housing units

20

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B. List of Addresses for each housing unit in the annexed area at the time of the annexation

Seperate Sheet

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C. Disposition of existing structures (e.g. to be demolished, moved or converted)

N/A

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D. Names of affected Subdivision

N/A

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E. Name of affected Multi-Family Complex

N/A

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F. Names of Group Quarters (dormitories, nursing homes, jails, etc.)

N/A

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G. Names of affected Duplexes

N/A

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H. Names of Mobile Home Parks

N/A

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SHEET  
1  
OF  
1  
SHEETS



**LEGEND**

OTPF	Open Top Pin Found
CTPF	Crimp Top Pin Found
CTPS	Crimp Top Pin Set
RBS	Rebar Found
RBS	Rebar Set
B/L	Building Line
U	Utility Pole
N or F	Now or Formerly
Δ	Calculated Point



**NOTES:**

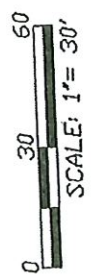
- Field Data: Closure Precision = 1/23.556". Angular Error = 04"/STA.
- Measurements were taken with a Leica TS12P on 03/26/2021 and were balanced using the Compass Rule.
- Bearings are based on Grid North.
- Plot Precision: 1/100,000".
- No portion of the property lies within a Special Flood Area as indicated on F.I.R.M. No. 13117C0134F, dated 03/04/2013.



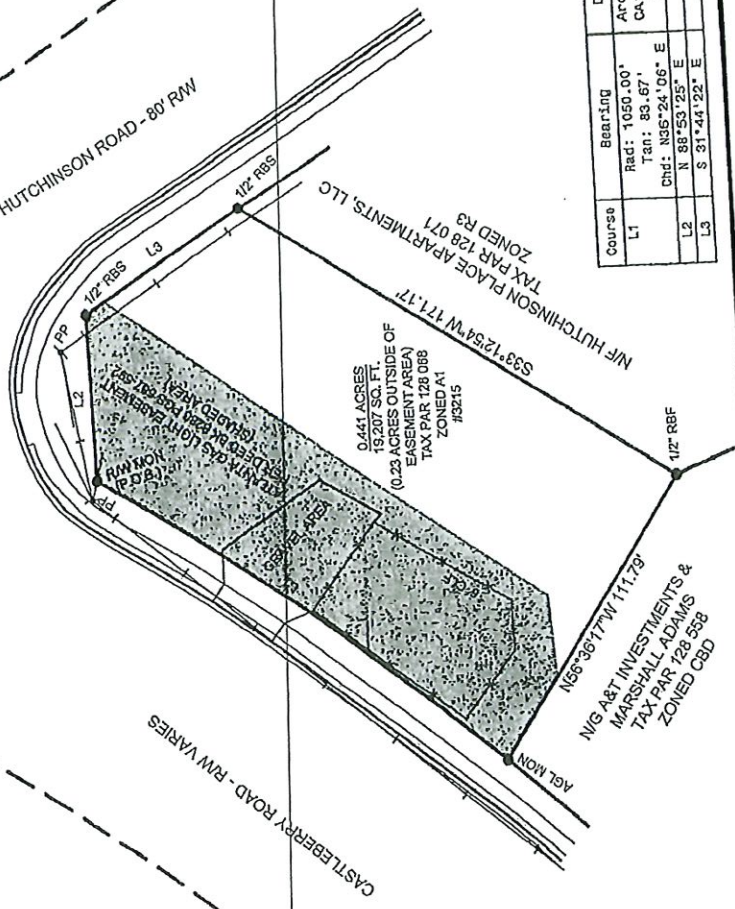
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, 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 15-6-57.

*William J. Gilbert*  
 William J. Gilbert Ga. RLS # 2843  
 Dated: March 29, 2021



HUTCHINSON ROAD - 80' RW



Course	Bearing	Distance
L1	Rad: 1050.00° Tan: 83.67' Chd: N35°24'06" E	Arc: 166.99' CA: 9°06'43" 168.81'
L2	N 88°53'25" E	54.93'
L3	S 31°41'22" E	63.08'

205 WILLIAMS BRIDGE ROAD,  
 TOCCOA, GEORGIA 30577  
 PHONE: (678)780-8832

DRAWN:	WJG
CC:	WJG
DATE:	03/29/2021
SCALE:	1"=40'
JOB NUMBER:	21-054
SHEET NUMBER:	1 OF 1

RETRACEMENT BOUNDARY SURVEY OF  
 3215 CASTLEBERRY ROAD FOR:  
 HOFF HOMES, LLC

LOCATED IN:  
 LAND LOT 85, 2ND DISTRICT, 1ST SECTION  
 FORSYTH COUNTY, GEORGIA

All that tract or parcel of land lying and being in Land Lot 85, 2<sup>nd</sup> District, 1<sup>st</sup> Section, Forsyth County, Georgia, being 0.441 acres as shown on a Retracement Boundary Survey for Hoff Homes, LLC, dated March 29, 2021, as surveyed by William J. Gilbert, Registered Land Surveyor, being more particularly described as follows:

Beginning at the intersection of the Easterly right of way of Castleberry Road and the Southerly right of way of Hutchinson Road; thence from said Point of Beginning, along the right of way of Hutchinson Road North 88 degrees 53 minutes 25 seconds East 54.93 feet to a point; thence continuing along said Westerly right of way South 31 degrees 44 minutes 22 seconds East 63.08 feet to a point; thence leaving said right of way North 56 degrees 36 minutes 17 seconds West 111.79 feet to a point on the Easterly right of way of Castleberry Road; thence along said right of way along a curve an arc distance of 166.99 feet being a portion of a circle having a radius of 1050 feet and subtended by a chord bearing and distance of North 36 degrees 24 minutes 06 seconds East 166.81 feet to the Point of Beginning, said property being more fully described according to the above referenced survey which is incorporated herein.

Exhibit C

3300 Hutchinson Road Apt A1

3300 Hutchinson Road Apt A2

3300 Hutchinson Road Apt A3

3300 Hutchinson Road Apt A4

3300 Hutchinson Road Apt B1

3300 Hutchinson Road Apt B2

3300 Hutchinson Road Apt B3

3300 Hutchinson Road Apt B4

3300 Hutchinson Road Apt C1

3300 Hutchinson Road Apt C2

3300 Hutchinson Road Apt C3

3300 Hutchinson Road Apt C4

3300 Hutchinson Road Apt D1

3300 Hutchinson Road Apt D2

3300 Hutchinson Road Apt D3

3300 Hutchinson Road Apt D4

3300 Hutchinson Road Apt EL

3300 Hutchinson Road Apt E2

3300 Hutchinson Road Apt E3

3300 Hutchinson Road Apt E4



**NOTE:**  
1. Boundary information taken from a survey for Hutchinson Place Apartments, LLC by J.A. Page and Associates, dated 01-16-2014.

EXISTING RESIDENTIAL UNITS	20 UNITS
PROPOSED RESIDENTIAL UNITS	7 UNITS
TOTAL RESIDENTIAL UNITS	27 UNITS
DWELLING UNITS PER ACRE	5.66 UNITS/ACRE
TOTAL SITE AREA	4.53 ACRES

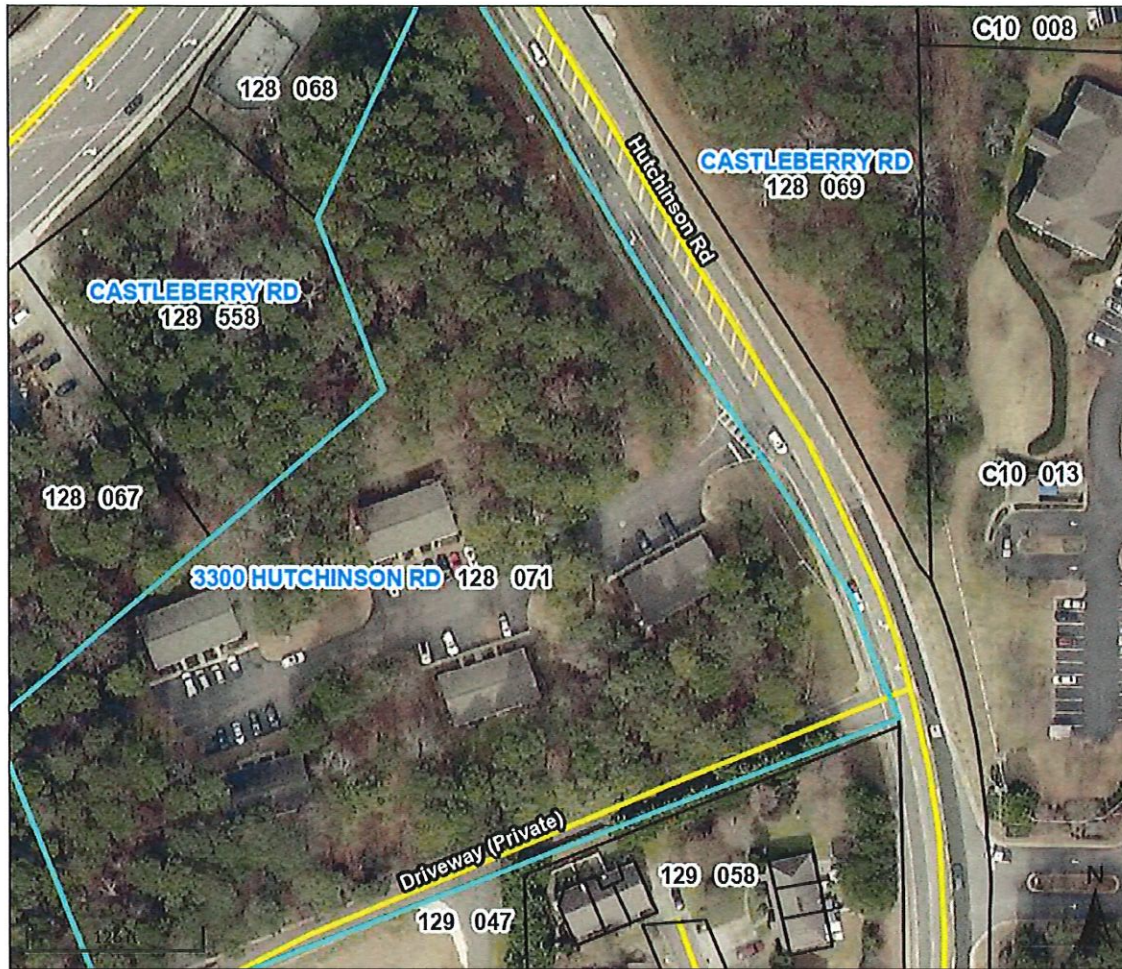
**NOTES:**  
1.) Boundary information taken from a survey for Hutchinson Place Apartments, LLC by J.A. Page and Associates, dated 01-16-2014.

416 Pirkle Ferry Road  
Building H, Unit 300  
Cumming, GA 30040  
(770) 889-9430  
[www.mqa-se.com](http://www.mqa-se.com)

PRELIMINARY SITE PLAN	SHEET TITLE 1 OF 1
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1 OF 1

**NOTIFY FORSYTH COUNTY INSPECTOR 24 HOURS BEFORE BEGINNING EACH PHASE OF CONSTRUCTION. (770)781-2165**



Overview



Legend

- Parcels
- 128 068 Parcel Numbers
- 3300 HUTCHINSON RD Address Numbers
- Roads

Parcel ID 128 071  
 Sec/Twp/Rng 0029-0249-  
 Property Address 3300 HUTCHINSON RD  
 CUMMING  
 District n/a  
 Brief 2-1 85-132 HUTCHISON PLAC E APTS OFF  
 Tax Description 128-67----1990

Alternate ID 000000176341  
 Class C3  
 Acreage 4.53  
 Value Information 1162105

Owner HUTCHINSON PLACE  
 Address APARTMENTS LLC  
 PO BOX 2061  
 CUMMING, GA 30028

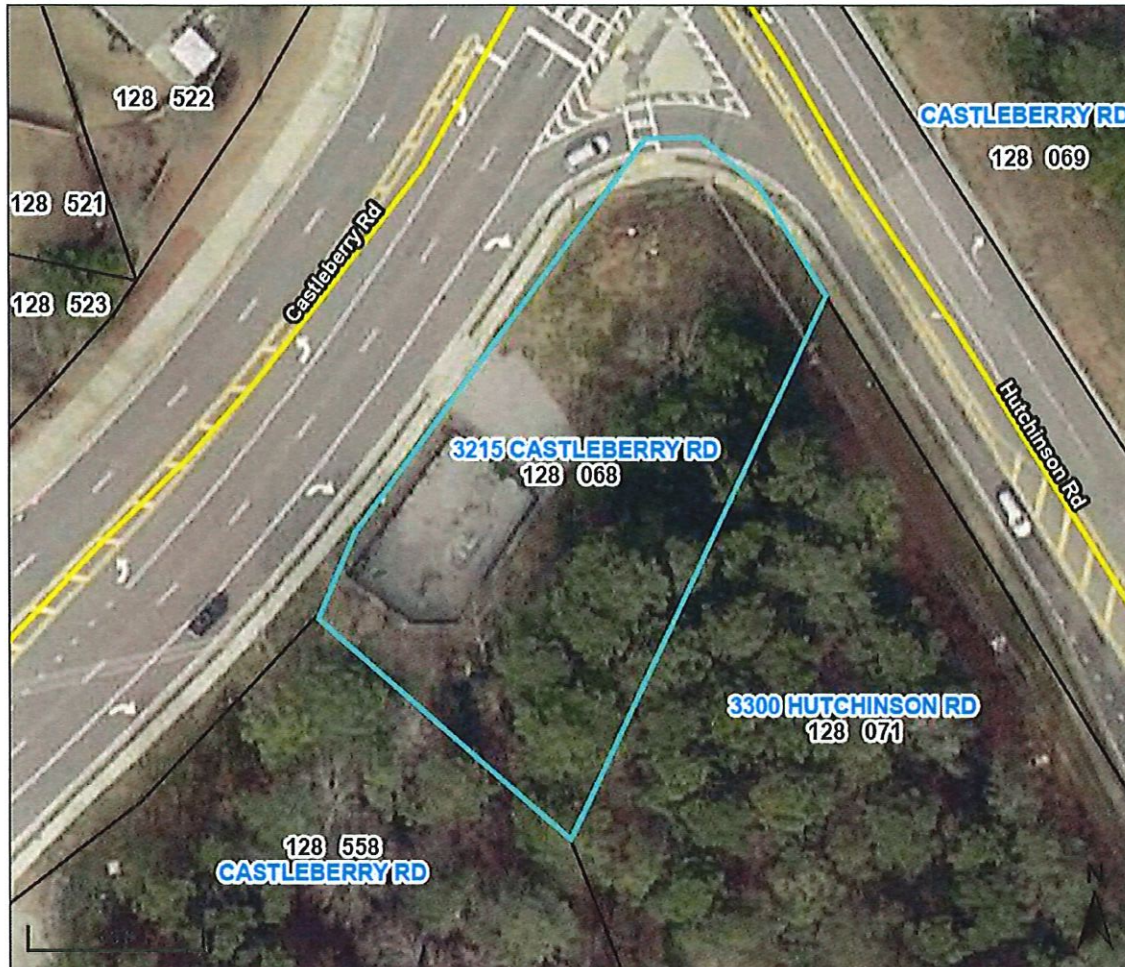
Last 2 Qualified Sales

Date	Price	Reason	Qual
6/1/1989	\$120000	n/a	Q
3/1/1989	\$117800	n/a	Q

Date created: 4/15/2025  
 Last Data Uploaded: 4/15/2025 5:02:45 AM

Developed by  **SCHNEIDER**  
 GEOSPATIAL





Overview



Legend

- Parcels
- Parcel Numbers
- Address Numbers
- Roads

Parcel ID 128 068  
 Sec/Twp/Rng 13-53-  
 Property Address 3215 CASTLEBERRY RD  
 CUMMING

Alternate ID 000000184982  
 Class R3  
 Acreage 0.44

Owner Address HOFF HOMES LLC  
 PO BOX 2061  
 CUMMING, GA 30028

District n/a  
 Brief Tax Description 2-185

Value Information  
 53860

Last 2 Qualified Sales

Date	Price	Reason	Qual
3/31/2021	\$40853	n/a	Q
4/1/1990	\$74000	n/a	Q

Date created: 4/15/2025  
 Last Data Uploaded: 4/15/2025 5:02:45 AM

Developed by **SCHNEIDER**  
 GEOSPATIAL





202 Tribble Gap Road | Suite 302 | Cumming, Georgia 30040  
678-672-1234 | [www.tallanthowell.com](http://www.tallanthowell.com)

Kevin J. Tallant  
[ktallant@tallanthowell.com](mailto:ktallant@tallanthowell.com)

January 30, 2025

**UPS Overnight Delivery**

Commission Chairman Alfred John  
Forsyth County Commission District 2  
Forsyth County Board of Commissioners  
110 East Main Street, Suite 210  
Cumming, Georgia 30040

**Re: Annexation of Property by Hutchinson Place Apartments, LLC, & Hoff Homes LLC, 4.53 and 0.44 Acres Designated as Forsyth County Tax Parcel(s): 128-068 & 128-071**

Dear Chairman John:

Please be advised that the City of Cumming, Georgia, pursuant to authority vested in the Mayor and Council of the City of Cumming by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received the attached petition to annex the property referenced above. As I trust you are aware, this annexation request has already completed the process agreed to in the LOST IGA between the City of Cumming and Forsyth County. This annexation petition will be heard during a public hearing before the City of Cumming Planning Commission on February 18, 2025, at 5:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040. After receiving a recommendation from the Planning Commission, it will then be considered by the governing authority of the City of Cumming, which is at present scheduled for March 18, 2025, at 6:00 PM in the Chambers of the City Council of the City of Cumming, located on the third floor of Cumming City Hall, 100 Main Street, Cumming, Georgia 30040.

This application proceeds under the 100% method authorized by O.C.G.A. § 36-36-20, *et. seq.* The property owners represent 100% of the ownership interest in the subject land. The aggregate external boundary of the subject tract which is contiguous with the current City of Cumming political boundary satisfies the 1/8 total or 50 feet contiguity requirement of O.C.G.A. § 36-36-20.

This letter has been sent to you by verifiable delivery. Please see the attached copy of the Annexation Petition identifying the parcels proposed for annexation, based upon the understanding of the City of Cumming, the applicant intends to continue to utilize the property for its current use. These materials are included to allow you to identify the subject area as well as the intended use of the property. *According to the Applicant*, the property to be annexed is zoned partially "R3" residential and partially "A1" agricultural under the Forsyth County Zoning ordinance. The

Applicant has requested, if annexed, to be zoned "R3" residential under the City's Zoning Ordinance.

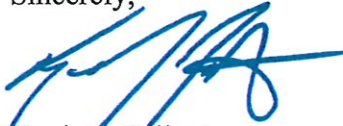
Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Forsyth County has until the end of the forty-fifth (45<sup>th</sup>) day from said receipt to raise an objection to the proposed annexation based upon a material increase in burden upon the county as defined by law.

In accord with O.C.G.A. § 36-36-7, Forsyth County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

*Finally, the submission of this notice and the information contained herein is made in an effort to comply with Georgia law, as the City of Cumming is required to provide the County notice when someone seeks to annex into the City's corporate limits. This notice is expressly not to be taken as any indication that the City of Cumming has, at this time, considered anything with respect to this Annexation Petition, and is not an indication that the City's governing authority will vote in favor of or against the Petition. The public has a right to petition the government, which in this case was done in the form of an Annexation Petition. As such, the City of Cumming is at this time moving through the process required by law to consider such a Petition.*

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of any assistance in this regard or any other, please do not hesitate to contact me.

Sincerely,



(Kevin J. Tallant

KJT/rm  
enclosures

cc: Mr. Phil Higgins (via email)  
Mr. Scott Morgan (via email)  
Mr. David McKee (via U.S. Mail, w/encl.)  
Mr. Ken Jarrard (via email, w/encl.)  
Dr. James Mitchell Young, Superintendent, Forsyth County Schools (via UPS Overnight Delivery, w/ encl.)





# JARRARD & DAVIS, LLP

222 WEBB STREET  
CUMMING, GEORGIA 30040

MOLLY ESSWEIN  
PARTNER  
MESSWEIN@JARRARD-DAVIS.COM

PHONE: 678-455-7150  
FAX: 678-455-7149  
WWW.JARRARD-DAVIS.COM

February 5, 2025

**VIA EMAIL and STATUTORY OVERNIGHT DELIVERY**

The Honorable Troy Brumbalow  
Mayor, City of Cumming  
100 Main Street  
Cumming, GA 30040

Kevin J. Tallant, Esq.  
Tallant and Howell, LLC  
202 Tribble Gap Road, Suite 302  
Cumming, Georgia 30040

Re: Annexation of Property by the City of Cumming  
Tax Map Parcels 128-068 & 128-071 (+/- 4.97 Acres of Land)

Dear Mayor Brumbalow & Mr. Tallant:

Forsyth County ("County") is in receipt of your January 30, 2025 letter, received by the County on January 30, 2025, providing notice of the above-referenced proposed annexation. Please accept this correspondence as notice within five (5) business days of the County's receipt of your letter, pursuant to O.C.G.A. § 36-36-7(a), that the County is unaware of any County-owned public facilities being located within the parcels proposed to be annexed. However, please be advised that the proposed annexation will result in a portion of County right of way, specifically that section of Hutchinson Road running between parcels 128-068, 128-071 and 128-069, becoming City of Cumming right of way under O.C.G.A. § 36-36-7(c).

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

JARRARD & DAVIS, LLP

Molly N. Esswein

MNE/art

cc: David McKee, County Manager (*via email only*)





# JARRARD & DAVIS, LLP

222 WEBB STREET  
CUMMING, GEORGIA 30040

MOLLY ESSWEIN  
PARTNER  
MESSWEIN@JARRARD-DAVIS.COM

PHONE: 678-455-7150  
FAX: 678-455-7149  
WWW.JARRARD-DAVIS.COM

March 11, 2025

**VIA EMAIL and STATUTORY OVERNIGHT DELIVERY**

The Honorable Troy Brumbalow  
Mayor, City of Cumming  
100 Main Street  
Cumming, GA 30040

Kevin J. Tallant, Esq.  
Tallant and Howell, LLC  
202 Tribble Gap Road, Suite 302  
Cumming, Georgia 30040

Re: Annexation of Property by the City of Cumming  
Tax Map Parcels 128-068 & 128-071 (+/- 4.97 Acres of Land)

Dear Mayor Brumbalow & Mr. Tallant:

Regarding your January 30, 2025 letter providing notice of the above-referenced proposed annexation, please be advised that the Forsyth County Board of Commissioners considered this matter at a work session on March 11, 2025. At that meeting, the Board of Commissioners affirmed having no land use objection to same. However, the County requests the City deny the annexation because the applicant has failed to provide a compelling justification for the requested annexation, and has pointed only to the applicant's longstanding ties to the City as the impetus for the annexation application. Moreover, should the City choose to approve the annexation, the County respectfully requests that the City impose via conditions enhanced buffer and landscape standards for the property, as well as compliance with the standards set forth in the County's Tree Ordinance.

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

JARRARD & DAVIS, LLP

  
Molly N. Esswein

MNE/art

cc: David McKee, County Manager (*via email only*)