

ORIGINAL
6-25-21

VARIANCE APPLICATION

An applicant seeking a grant of variance from the provisions of the Town of Braselton's Development Code must submit to the Town one original and nine (9) completed copies of this application along with all information required to be included with this application (see attached Variance checklist) together with a \$400 fee to cover administrative and advertising costs. A public hearing will be held on a valid application from thirty (30) to sixty (60) days after the Town's receipt of such application. The applicant must be present at such hearing.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <i>LEXES HOMES, INC.</i> ADDRESS: <i>337 MARK OOOD ROAD</i> CITY: <i>JEFFERSON</i> STATE: <i>GA.</i> ZIP: <i>30549</i> PHONE: <i>678-300-7106</i>	NAME: <i>LEXES HOMES, INC.</i> ADDRESS: <i>337 MARK OOOD ROAD</i> CITY: <i>JEFFERSON</i> STATE: <i>GA.</i> ZIP: <i>30549</i> PHONE: <i>678-300-7106</i>
CONTACT PERSON: <i>LEN GARY</i> PHONE: <i>678 300 7106</i> FAX:	

* Include any and all persons having a property interest and/or financial interest in any business entity having property interest (use additional sheets if necessary)

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S):
 TAX MAP NO. *802 037* TAX PARCEL NO: *802-037* ACREAGE: *0.50*

ADDRESS OF PROPERTY: *9681 DAVIS STREET*

PROPOSED VARIANCE (state specific code section for which relief is requested):
CODE SECTION: 8.3.2 MINIMUM YARD REQUIREMENTS
REQUEST 20' REAR SETBACK VARIANCE IN ORDER TO BUILD A HOME ON LOT #2. STREAM BUFFER MAILES IT IMPOSSIBLE TO BUILD A HOME WITHOUT THE 20' REAR VARIANCE. SEE PLAT ATTACHED.

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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BRASELTON CLERK'S OFFICE USE ONLY

Date Received: *6/30/21* Received by: _____ Sent to County: _____

June 15, 2021

Lexes Homes, Inc.
337 Mark Dodd Road
Jefferson, Ga. 30549

Re: 9681 Davis Street, Variance Request

Town of Braselton:

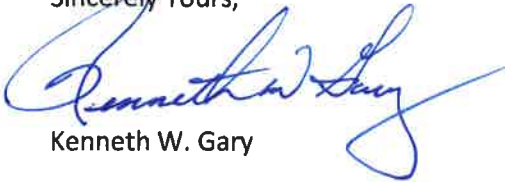
We would like to build a new two-story home on this lot, 9681 Davis Street. Due to the 25' creek buffer and 40' rear setback a variance is necessary to accommodate the new home. See the attached exhibits showing the space available to build a home and a 20' rear variance request to allow a new 2,000 sq. ft. two-story home to be built at this location.

Upon approval of the variance, we will seek permission from City Council to demolish the existing home and grant the Town more land for ROW easement along Davis Street, consistent with all other property owners. The home and the lot meet the Town square footage requirements for the zoning district.

Approval of this variance will enhance Davis Street by demolition of the old home, required maintenance of the green space between the creek and the Street, with additional land granted to the Town for the ROW easement along Davis Street.

In summary we request the Variance Committee's approval to reduce the rear setback to 20' to build a new home on this lot, contingent on City Council approving demolition of the existing home and the property owner granting the Town additional land for the easement along Davis Street.

Sincerely Yours,



Kenneth W. Gary

STANDARDS GOVERNING THE GRANT OF A VARIANCE

PURSUANT TO ARTICLE XVIII OF THE TOWN OF BRASELTON DEVELOPMENT CODE, THE ZONING BOARD OF APPEALS FINDS THAT THE FOLLOWING CONDITIONS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE CONSIDERATION OF VARIANCE REQUESTS.

Please respond to the following standards in the space provided or use an attachment as necessary:

- A) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography: A STREAM BISECTS THE PROPERTY THEREFORE WITH FRONT & REAR SETBACKS AS REQUIRED & THE STREAM BUFFER THE LOT WOULD BE UNBUILDABLE.
- B) The application of this ordinance to the particular piece of property would create an unnecessary hardship: A HOME CANNOT BE BUILT IF THE SPECIFICATIONS FOR FRONT & REAR SETBACKS APPLY.
- C) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this ordinance: RELIEF WHEN GRANTED COUPLED WITH A DEMOLITION PERMIT FOR THE EXISTING HOME WILL BE A SUBSTANTIAL BENEFIT TO THE TOWN.
- D) Such conditions are peculiar to the particular piece of property involved: THESE CONDITIONS ARE PECULIAR TO THE TRIANGULAR SHAPE OF THE PROPERTY & THE LOCATION OF THE STREAM / BUFFERS.
- E) The special circumstances surrounding the request for a variance are not the result of acts by the applicant: APPLICANT HAD NO ACTS CAUSING THE NEED FOR A VARIANCE
- F) The variance is not a request to permit a use of land, buildings, or structures that is not permitted by right or by conditional use permit in the district involved: THE VARIANCE IS CONSISTENT WITH THE LAND USE OF THE TOWN.



VARIANCE APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE ZONING BOARD OF APPEALS UNLESS WAIVED BY BOARD OF APPEALS.

Kenneth W. Gary KENNETH W. GARY, OWNER 6-10-21
Signature of Applicant Applicant's Name and Title Date

Jennifer S. Williams 6/10/2021
Signature of Notary Public Date

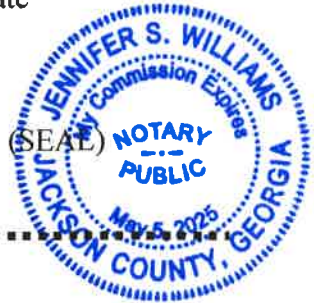


VARIANCE PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE ZONING BOARD OF APPEALS UNLESS WAIVED BY BOARD OF APPEALS.

Kenneth W. Gary KENNETH W. GARY, OWNER 6-10-21
Signature of Owner Owner's Name and Title Date

Jennifer S. Williams 6-10-21
Signature of Notary Public Date



BRASELTON CLERK'S OFFICE USE ONLY

Receipt No: _____ Amount of Fee: _____

Date: _____ Received By: _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING AN APPLICATION FOR A VARIANCE, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1, ET SEQ., CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

Kenneth W. Gary
Signature of Applicant

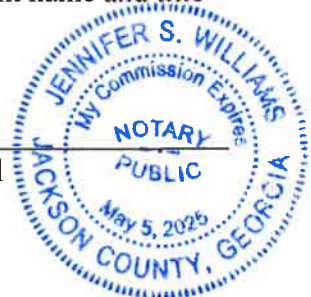
6-10-21 KENNETH W. GARY
Date Type or print name and title

Signature of Applicant's Attorney or Representative

6-10-21 _____
Date Type or print name and title

Jennifer S. Williams
Signature of Notary Public

6-10-21 _____
Date Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to any official of the Town of Braselton?

Yes No

Kenneth W. Gary
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in G.M.D. 1765, Town of Braselton, Jackson County, Georgia and being more particularly described as follows:

COMMENCING at the centerline intersection of Pinecrest Lane and Davis Street, A.K.A. Braselton Highway, State Route 124; Thence, South 54 degrees 48 minutes 16 seconds West for a distance of 267.35 feet to an iron pin set (1/2" rebar) on the southeasterly right-of-way of said Davis Street; Thence, North 88 degrees 48 minutes 36 seconds East for a distance of 363.14 feet leaving said right-of-way to an iron pin set (1/2" rebar) at the **POINT OF BEGINNING**.

Thence, North 03 degrees 11 minutes 09 seconds West for a distance of 69.47 feet to a point;
Thence, North 23 degrees 59 minutes 15 seconds West for a distance of 88.55 feet to an iron pin set (1/2" rebar) on said southeasterly right-of-way of Davis Street;
Thence, along said southeasterly right-of-way of Davis Street in a northeasterly direction for the following six (6) courses:

Along a curve to the right with an arc length of 16.03 feet having a radius of 2416.56 feet and a chord bearing of North 69 degrees 48 minutes 30 seconds East, with a chord length of 16.03 feet;
Thence, North 20 degrees 00 minutes 06 seconds West for a distance of 7.00 feet to an iron pin found (1/2" rebar);

Thence, along a curve to the right with an arc length of 59.32 feet having a radius of 2423.56 feet and a chord bearing of North 70 degrees 41 minutes 58 seconds East, with a chord length of 59.31 feet to an iron pin found (1/2" rebar);

Thence, South 18 degrees 35 minutes 58 seconds East for a distance of 7.00 feet to an iron pin found (1/2" rebar);

Thence, along a curve to the right with an arc length of 22.43 feet having a radius of 2416.56 feet and a chord bearing of North 71 degrees 40 minutes 00 seconds East, with a chord length of 22.43 feet to a point;

Thence, North 71 degrees 29 minutes 58 seconds East for a distance of 22.89 feet to a magnetic nail set in an asphalt driveway;

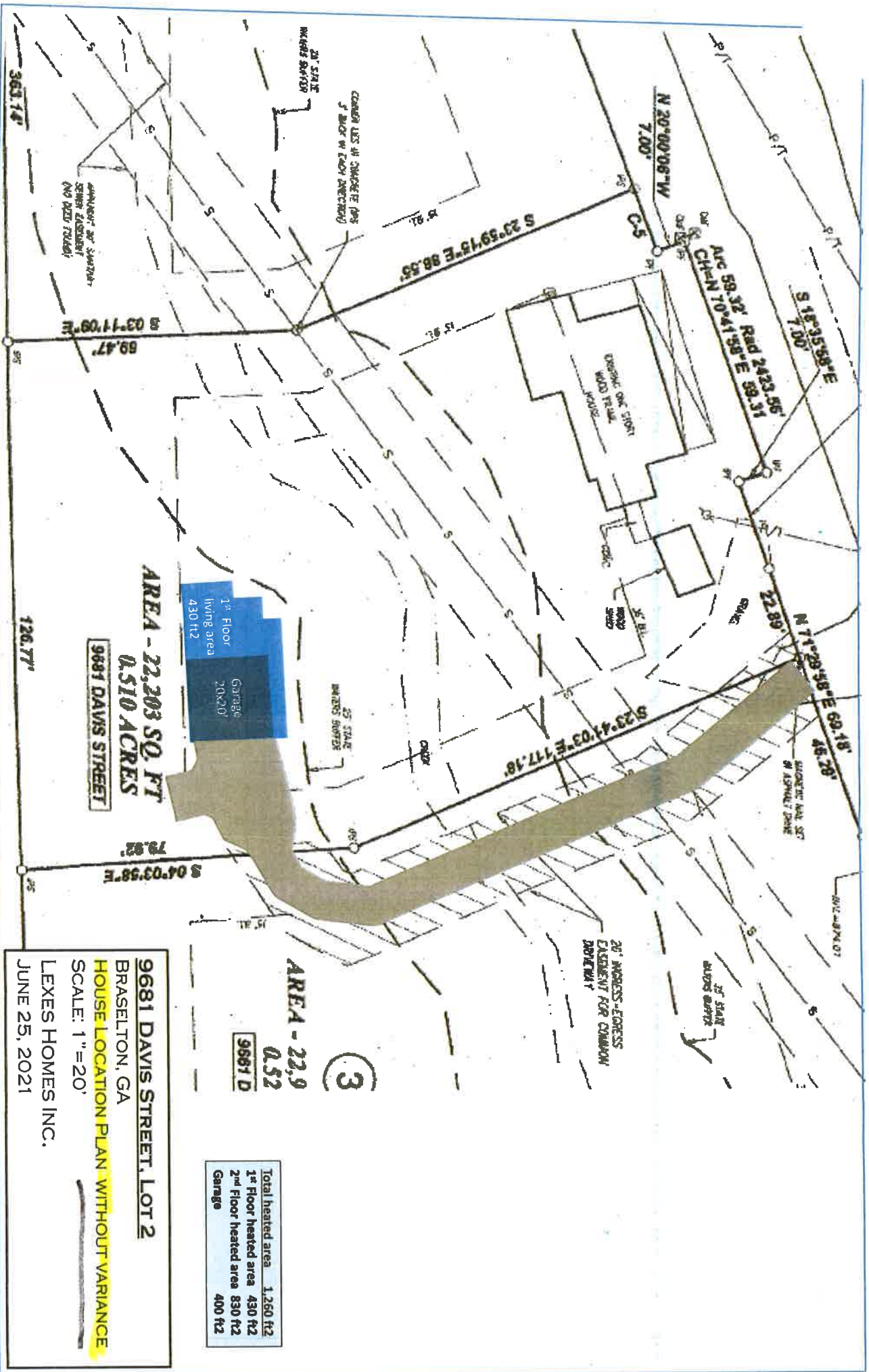
Thence, South 23 degrees 41 minutes 03 seconds East for a distance of 117.18 feet leaving said southeasterly right-of-way of Davis Street to an iron pin set (1/2" rebar);

Thence, South 04 degrees 03 minutes 58 seconds East for a distance of 79.92 feet to an iron pin set (1/2" rebar);

Thence, South 88 degrees 48 minutes 36 seconds West for a distance of 126.77 feet to an iron pin set (1/2" rebar) at the **POINT OF BEGINNING**.

Containing within said bounds an area of 0.510 acres more or less, being Lot 2 as shown on the final plat of Davis Street, prepared by Atlas Technical Consultants, LLC, sealed by Donald Rex Jones, RLS 2396, dated 10/07/2015, last revised on 6/22/2020, recorded in Plat Book 81, Page 305, Jackson County, Georgia records.

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AREA - 22,203 SQ. FT
0.510 ACRES
9681 DAVIS STREET

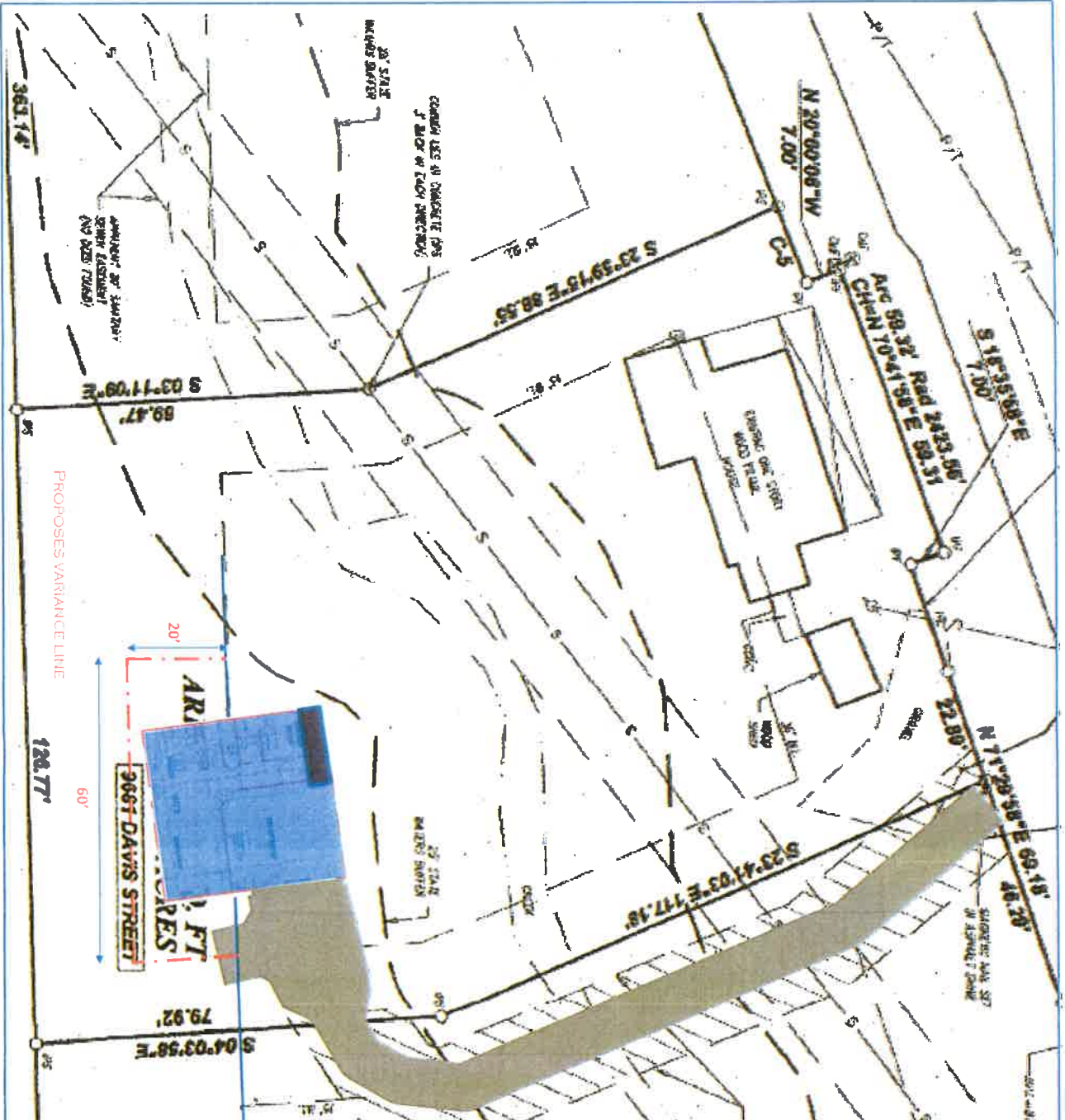
1st Floor living area
430 ft²

Garage
20x20'

AREA - 22,9
0.52
9681 D

Total heated area 1,260 ft²
1st Floor heated area 430 ft²
2nd Floor heated area 830 ft²
Garage 400 ft²

9681 DAVIS STREET, LOT 2
BRASELTON, GA
HOUSE LOCATION PLAN WITHOUT VARIANCE
SCALE: 1" = 20'
LEXES HOMES INC.
JUNE 25, 2021



3

AREA - 22,9

0.52

9661 D

Total heated area	2,057 ft ²
1 st Floor heated area	894 ft ²
2 nd Floor heated area	1,163 ft ²
Garage	432 ft ²

9681 DAVIS STREET, LOT 2
 BRASELTON, GA
HOUSE LOCATION PLAN WITH VARIANCE
 SCALE: 1"=20'
 LEXES HOMES INC.
 JUNE 25, 2021