

Plat Recorded 11/13/2023 9:29 AM
Patty Baker
Clerk of Superior Court
Cherokee County, GA
Book 120 Page 981
Participant IDs: 9822841399

"THIS DOCUMENT WAS PRODUCED ON A 24" X 36" SHEET UTILIZING ELECTRONIC MEDIA AND DIGITALLY SIGNED BY THE SURVEYOR UTILIZING NITRO PRO PDF EDITOR AT THE TIME AND DATE SHOWN AND A COPY OF THE ORIGINAL DOCUMENT IS KEPT IN THE OFFICE OF THE SURVEYOR. ANY MODIFICATIONS MADE THEREAFTER ARE INVALID. ANY DIGITAL COPY OF THIS DOCUMENT THAT DOES NOT CONTAIN A SIGNATURE VALIDATION AT THE SAME TIME AND DATE OR CONTAINS PDF EDITS HAS BEEN MODIFIED. ANY DIGITAL OR PAPER COPIES CAN BE AUTHENTICATED USING THE ORIGINAL SURVEYOR'S DOCUMENT."

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.G.C.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. 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.G.C.A. SECTION 15-6-67.

Clinton R. Coulter 10/31/2023
CLINTON R. COULTER DATE AS SURVEYOR FOR GASKINS + LEGRAND, INC.
GEORGIA REGISTERED LAND SURVEYOR NO. 3471

STATE OF GEORGIA
COUNTY OF CHEROKEE

RESOLUTION NO. 2023-R-089

A RESOLUTION OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO AMEND RESOLUTION 2023-R-081 REGARDING APPLICANT OVALENE H. CAGLE AND 7.94 +/- ACRES LOCATED IN LAND LOT 253 OF THE 15TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA AND INDICATED AS PARCEL 158 ON TAX MAP 15N26; AND FOR OTHER PURPOSES.

WHEREAS, on or about September 5, 2023, the Cherokee County Board of Commissioners approved Resolution 2023-R-081 (Zoning Case No. 23-07-015) regarding Applicant Ovalene H. Cagle and approximately 7.94 acres identified in the records of the Cherokee Tax Assessor as Parcel 15N26158; and

WHEREAS, a copy of Resolution 2023-R-081 has been attached hereto as Exhibit A for review and reference purposes; and

WHEREAS, the Cherokee County Board of Commissioners hereby desire to remove one (1) condition that was included in Resolution 2023-R-081 regarding the property, to wit:

"the balance of property be deed restricted to residential uses only";

WHEREAS, the Cherokee County Board of Commissioners hereby removes the aforementioned condition and adopts the remaining portions of Resolution 2023-R-081 as previously approved in its entirety; and

NOW, THEREFORE, BE IT RESOLVED by the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that the Board of Commissioners does hereby remove the condition regarding "the balance of property be deed restricted to residential uses only" and adopts the remaining provisions of the Resolution 2023-R-081 in its entirety.

SO RESOLVED, APPROVED, AND ADOPTED this 19TH day of September, 2023.

By: *Harry B. Johnston*
HARRY B. JOHNSTON, Chairman

Attest: *Christy Black*
CHRISTY BLACK, County Clerk

RESOLUTION NO. 2023-R-081
CASE # 23-07-015
APPLICANT: ESTATE OF OVALENE H. CAGLE

A resolution concerning the following described property:
7.94 +/- acres located in Land Lot 253 of the 15TH District, 2ND Section of Cherokee County, Georgia, and indicated on Parcel 158 on Tax Map 15N26.

WHEREAS, it is hereby found and determined that the Estate of Ovalene H. Cagle filed a petition to change the zoning of the property described above from AG (General Agriculture) to NC (Neighborhood Commercial) on January 24, 2023.

WHEREAS, the applicant also requests a consent variance to Section 7-15(a)(3)(b) to allow an existing telecommunications tower to not be setback from property lines a distance equal to the height of the tower as shown on the site plan attached hereto as Exhibit A; and

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and

WHEREAS, the notice of public hearing, a copy of which is attached hereto as Exhibit B and incorporated herein by reference, was published more than 15 days prior to the public hearing; and

WHEREAS, the Planning Commission held a public hearing on July 14, 2023 upon this request for change of zoning in the Cherokee County Administration Building; and

WHEREAS, the recommendation of the Planning Commission, attached hereto as Exhibit C, has been received regarding the subject property as described in the legal description, a copy of which is attached hereto as Exhibit D and incorporated herein by reference; and

WHEREAS, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted and interpreted by the Planning Commission, and have examined the views expressed at the public hearing with regard to this particular property as such variance relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia;

WHEREAS, on August 1, 2023 the Board of Commissioners postponed the decision on this application until the September 5, 2023 regular meeting; and

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the request to remove the property is hereby deemed to be APPROVED to NC with the following conditions:

1) The subject property be deed restricted to residential uses only.
2) All structural built on the NC zoned property be within the full radius of the cell tower.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the request for a consent variance is hereby deemed to be APPROVED to Section 7-15(a)(3)(b) to allow an existing telecommunications tower to not be setback from property lines a distance equal to the height of the tower.

SO RESOLVED, this 19TH day of September, 2023.
CHEROKEE COUNTY BOARD OF COMMISSIONERS

Harry B. Johnston
HARRY B. JOHNSTON, Chairman

Attest: *Christy Black*
CHRISTY BLACK, County Clerk

LEGEND

⊠	P.P. - POWER POLE
⊗	L.P. - LIGHT POLE
⊕	F.H. - FIRE HYDRANT
⊙	M.H. - SANITARY SEWER MANHOLE
⊞	W.M. - WATER METER
⊞	G.M. - GAS METER
⊞	RBS - REINFORCING BAR SET
⊞	RF - REINFORCING BAR FOUND
⊞	CT - CRIMP TOP PIPE FOUND
⊞	OT - OPEN TOP PIPE FOUND
⊞	R/W MON. - RIGHT-OF-WAY MONUMENT
-x-	TYPE OF FENCE
○	J.B. - JUNCTION BOX
⊞	D.I. - DROP INLET / YARD INLET
⊞	C.B. - CATCH BASIN
===	R.C.P. - REINFORCED CONCRETE PIPE
===	C.M.P. - CORRUGATED METAL PIPE
F.F.E.	FINISHED FLOOR ELEVATION
⊞	WATER VALVE
○	C.O. SEWER CLEAN OUT
⊞	TELEPHONE MANHOLE
⊞	OVERHEAD POWER LINES
⊞	HW - HEADWALL
⊞	POWERBOX
⊞	STREET ADDRESS
-W-W-	WATER LINE
-T-T-	UNDERGROUND TELEPHONE LINE
-G-G-	GAS LINE
-E-E-	UNDERGROUND ELECTRICAL LINE

APPROVED FOR RECORDING
CHEROKEE COUNTY
PLANNING AND ZONING
Carole Davis
Planner
11/13/2023

DEAR DEVELOPER/OWNER,
THE CHEROKEE COUNTY FIRE MARSHAL'S OFFICE HAS REVIEWED YOUR REQUEST TO SUB-DIVIDE THE REFERENCED PROPERTY. WE ARE PROVIDING COMMENT(S) AND INFORMATION FOR YOU TO CONSIDER. WHEN YOU REVIEW THE COMMENTS BELOW PLEASE KEEP IN MIND THE INSURANCE SERVICE ORGANIZATION (ISO) RATING OF OUR FIRE DEPARTMENT IN CHEROKEE COUNTY. ISO RECENTLY RATED CHEROKEE COUNTY FIRE & EMERGENCY AS A 2/2Y SPLIT CLASS FIRE DEPARTMENT. THE RATING SCALE IS FROM 1 AS BEING THE BEST AND 10 AS BEING NO FIRE PROTECTION PROVIDED. THE SPLIT CLASSIFICATION OF 2Y WITHIN OUR RATING IS DESIGNATED FOR THOSE PROPERTIES THAT ARE NOT WITHIN 1000 FEET OF A FIRE HYDRANT. THE RATING OF A 2Y CAN AND WILL MOST LIKELY CAUSE AN INCREASED HOMEOWNER'S INSURANCE PREMIUM. THERE HAVE BEEN CASES WHERE THE 2Y RATING HAS CAUSED A HOMEOWNER'S INSURANCE PREMIUM TO RISE TO TRIPLE THEIR PREVIOUS AMOUNT. AGAIN, THIS IS DUE TO NO FIRE HYDRANT WITHIN 1000 FEET OF THE RESIDENCE.

FIRE HYDRANT - IN ORDER TO ENSURE THE LOWEST INSURANCE PREMIUM RATES AND AN ADEQUATE WATER SUPPLY FOR FIREFIGHTING PURPOSES WE ARE RECOMMENDING YOU PROVIDE A FIRE HYDRANT(S) INSTALLED IN A LOCATION SO THAT ONCE HOMES ARE BUILT ON THE PROPERTY THERE WILL BE A FIRE HYDRANT WITHIN 1000 FEET OF ANY AND ALL HOMES WITHIN THIS PARCEL OF LAND. YOU WILL NEED TO CONTACT THE WATER AUTHORITY WHICH PROVIDES THE WATER SERVICES FOR MORE INFORMATION AND REQUIREMENTS FOR THE INSTALLATION OF ANY ADDITIONAL WATER LINES AND ALL FIRE HYDRANT INSTALLATION REQUIREMENTS. ONCE THE WATER LINE AND FIRE HYDRANT ARE APPROVED AND INSTALLED PLEASE ADVISE OUR OFFICE SO WE CAN UPDATE OUR RECORDS AND MAPS FOR THE PROPERTY AS NEEDED. IF THE WATER AUTHORITY REQUESTS YOUR REQUEST OR IF YOU CHOOSE NOT TO ADD ADDITIONAL WATER LINES OR FIRE HYDRANTS PLEASE ADVISE OUR OFFICE SO WE CAN UPDATE OUR RECORDS AND MAPS FOR THE PROPERTY AS NEEDED.

FIRE DEPARTMENT VEHICLE ACCESS - FIRE DEPARTMENT ACCESS TO PROPERTIES IS PARAMOUNT IN OUR ABILITY TO ACCESS PROPERTIES FOR A MORE EFFECTIVE FIREFIGHTING STRATEGY. FIRE DEPARTMENT ACCESS ROADS SHOULD BE 20 FEET WIDE, LESS THAN A 10% GRADE AND BE OF AN ALL-WEATHER/ALL-SEASON SURFACE CAPABLE OF SUPPORTING 75,000 POUNDS. IF THE PUBLIC/PRIVATE ACCESS DRIVE IS LONGER THAN 150 FEET IT WILL NEED TO HAVE AN APPROVED TURNAROUND AT THE END.

FIRE MARSHAL'S OFFICE PLAN REVIEW COMMENTS - IT DOES NOT APPEAR THERE IS A FIRE HYDRANT WITHIN 1000 FEET OF ALL PARTS OF THE BUILDABLE AREA OF THE PROPERTIES.

FIRE MARSHAL'S OFFICE RECOMMENDATION - THE CHEROKEE COUNTY FIRE MARSHALS HAS THE RECOMMENDATION THAT A FIRE HYDRANT BE INSTALLED. THE FIRE HYDRANT SHOULD BE INSTALLED AT AN APPROVED LOCATION BY THE CHEROKEE COUNTY FIRE MARSHAL'S OFFICE AS WELL AS THE UTILITY COMPANY THAT PROVIDES WATER.

CURRENT ZONING (TRACTS 1 & 3): AG
SETBACKS:
FRONT (EAST CHEROKEE DRIVE) - 65'
FRONT (LOWER UNION HILL ROAD) - 50'
SIDE - 50'
REAR - 50'
MINIMUM LOT WIDTH AT FRONT SETBACK: 150'

CURRENT ZONING (TRACT 2): NC
SETBACKS:
FRONT (EAST CHEROKEE DRIVE) - 65'
FRONT (LOWER UNION HILL ROAD) - 50'
SIDE - 15'
REAR - 15'
MINIMUM LOT WIDTH AT FRONT SETBACK: 100'

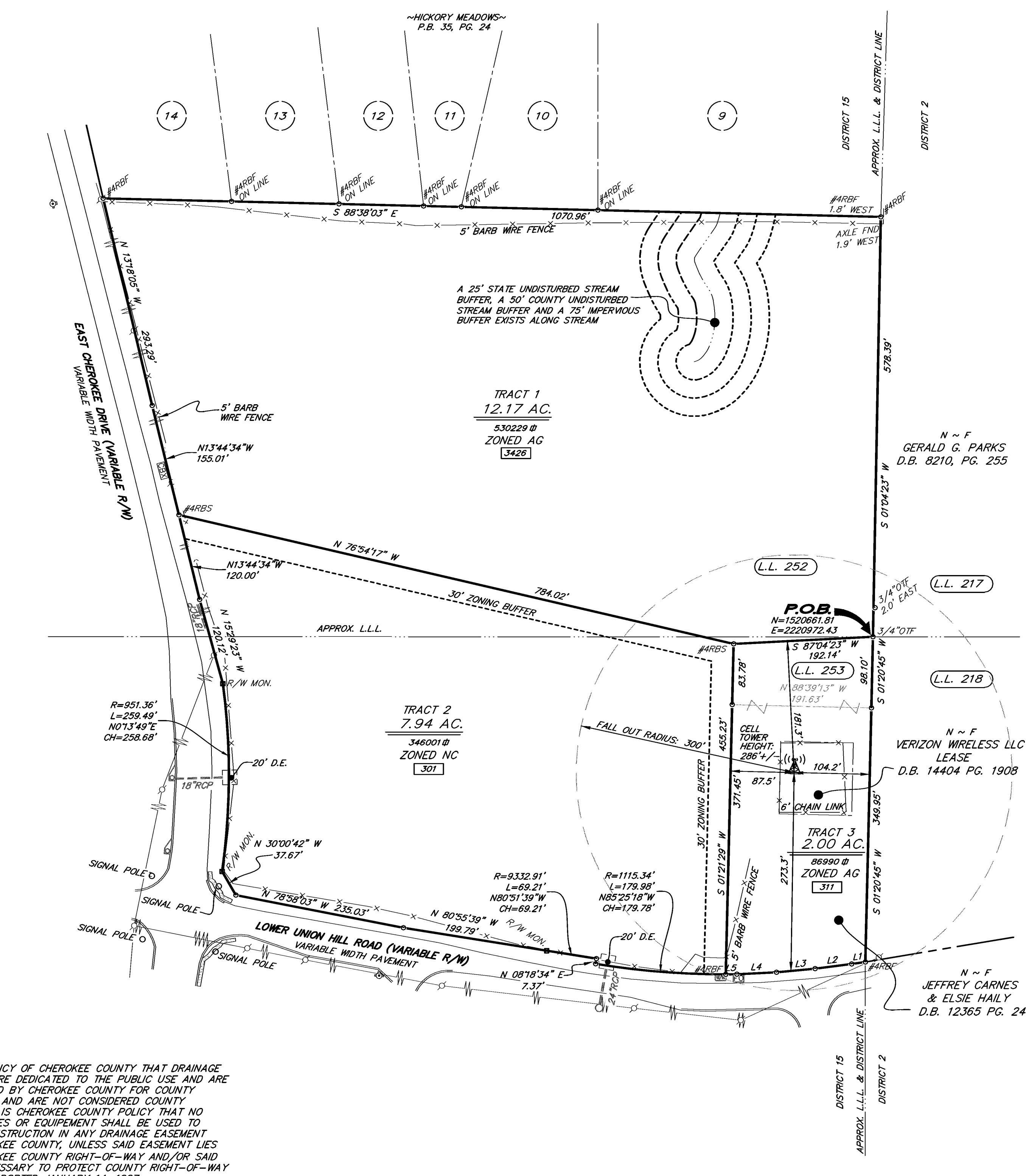
GPS NOTES:
1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE S800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE GPS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

SURVEY NOTES:
1.) ALL DISTANCES ON SURVEY ARE HORIZONTAL DISTANCES.
2.) ALL DISTANCES ON SURVEY ARE SHOWN AS "GROUND" DISTANCES.
3.) ALL DISTANCES ON SURVEY ARE EXPRESSED IN U.S. SURVEY FEET.
4.) ALL ANGULAR DIRECTIONS ARE EXPRESSED IN DEGREES, MINUTES AND SECONDS. IF MINUTES AND SECONDS ARE NOT SHOWN, IT IS TO BE UNDERSTOOD THAT MINUTES ARE 00 AND SECONDS ARE 00.
5.) NO CEMETERIES OBSERVED WHILE SURVEYING PROPERTY.
6.) CREEKS RUNNING THROUGH THE PROPERTY MAY BE CONSIDERED STATE WATERS AND MAY BE SUBJECT TO BUFFERS. CREEK DELINEATION WAS NOT PERFORMED.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X-1, ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130424, MAP NUMBER # 130570268 E DATED JUNE 7, 2019

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/83,275; ANGULAR ERROR: 1" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/114,882. MATTERS OF TITLE ARE EXCEPTED.



IT IS THE POLICY OF CHEROKEE COUNTY THAT DRAINAGE EASEMENTS ARE DEDICATED TO THE PUBLIC USE AND ARE NOT ACCEPTED BY CHEROKEE COUNTY FOR COUNTY MAINTENANCE AND ARE NOT CONSIDERED COUNTY PROPERTY. IT IS CHEROKEE COUNTY POLICY THAT NO COUNTY FORCES OR EQUIPMENT SHALL BE USED TO PERFORM CONSTRUCTION IN ANY DRAINAGE EASEMENT WITHIN CHEROKEE COUNTY, UNLESS SAID EASEMENT LIES WITHIN CHEROKEE COUNTY RIGHT-OF-WAY AND/OR SAID WORK IS NECESSARY TO PROTECT COUNTY RIGHT-OF-WAY PER POLICY ADOPTED JANUARY 14, 1997.

PROPERTY OWNERS WILL BE REQUIRED TO KEEP ALL STORM DRAINAGE EASEMENTS LOCATED OFF OF COUNTY RIGHT-OF-WAY FREE OF OBSTRUCTION AT ALL TIMES SO AS TO ENSURE THE MAXIMUM DESIGNED DRAINAGE FLOW. THE PROPERTY OWNER SHALL NOT ALTER ANY DRAINAGE IMPROVEMENTS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CHEROKEE COUNTY ENGINEERING DEPARTMENT.

DEVELOPMENT THAT WILL RESULT IN LAND DISTURBANCE EQUAL TO OR GREATER THAN ONE (1) ACRE REQUIRES COVERAGE UNDER THE APPLICABLE NPDES GENERAL PERMIT. THE REQUIREMENTS FOR COVERAGE INCLUDE, BUT ARE NOT LIMITED TO, A GEORGIA LICENSED DESIGN PROFESSIONAL PREPARING 3 PHASE EROSION CONTROL PLANS FOR ALL INTENDED DISTURBANCE ASSOCIATED WITH YOUR PROJECT, AND OBTAINING APPROVAL FROM CHEROKEE COUNTY AS THE LOCAL ISSUING AUTHORITY.

A UNITED STATES ARMY CORPS OF ENGINEERS PRECONSTRUCTION NOTIFICATION AND EROSION PERMIT IS REQUIRED FOR ANY FUTURE PIPED STREAM CROSSINGS IN STATE WATERS.

PRIOR TO ANY BUILDING, EROSION, OR DEVELOPMENT PERMITS BEING ISSUED ON THESE PARCELS, A LOT GRADING AND EROSION CONTROL PLAN, PREPARED BY A GEORGIA SOIL AND WATER CONSERVATION COMMISSION (GSWCC) LEVEL II CERTIFIED DESIGN PROFESSIONAL, SHALL BE SUBMITTED AND APPROVED BY THE CHEROKEE COUNTY ENGINEERING DEPARTMENT.

A GEORGIA REGISTERED DESIGN PROFESSIONAL SHALL DESIGN AND PERMIT ALL FUTURE STORM DRAINAGE ON THESE PROPERTIES.

ALL DRIVEWAYS WILL BE REQUIRED TO OBTAIN A DRIVEWAY PERMIT FROM THE CHEROKEE COUNTY ENGINEERING DEPARTMENT. PROPERTY OWNER WILL BE RESPONSIBLE FOR MAKING SURE ALL DRIVEWAYS MEET CHEROKEE COUNTY STANDARDS.

LINE TABLE

LINE #	BEARING	DISTANCE
L1	S81°44'44"W	19.14'
L2	S82°35'17"W	50.64'
L3	S84°40'47"W	53.48'
L4	S87°09'23"W	54.55'
L5	S89°49'55"W	15.26'

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

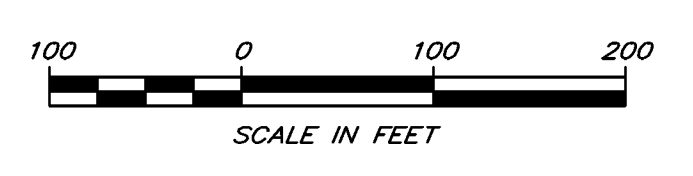
Jeffrey Carnes 11-2-23
JEFFREY CARNES DATE

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

Elsie Hailey 11-2-23
ELSIE HAILEY DATE

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

Elsie Hailey 11-2-23
ELSIE HAILEY DATE
EXECUTOR FOR THE ESTATE OF OVALENE CAGLE



SURVEYOR REFERENCES TRACTS 1 & 2: D.B. 13902 PG. 400 P.B. 37, PG. 70
CURRENT OWNER: OVALENE CAGLE
SURVEYOR REFERENCES TRACTS 3: D.B. 12365 PG. 24
CURRENT OWNER: JEFFREY CARNES & ELSIE HAILEY

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Canton Office: 147 Reinhardt College Pkwy Ste. 3 Canton, GA 30114 Phone: (770) 479-9698

MINOR SUBDIVISION & LOT LINE ADJUSTMENT PLAT FOR:
TRACTS 1 & 2 - ESTATE OF OVALENE CAGLE
TRACT 3 - JEFFREY CARNES & ELSIE HAILEY
LOCATED IN L.L. 252 & 253 15th DISTRICT, 2nd SECTION CHEROKEE COUNTY, GA.

FIELD DATE: 11/09/2021 DRAWN BY: KRK
OFFICE DATE: 10/17/2023 CHECKED BY: CRC
SCALE: 1"=100' FILE: 01BND/CHEROKEE

Plotter on: Nov 02, 2023 - 12:04pm
Drawing name: C:\LD\CHEROKEE\1515_15_0252\301_CHEROKEE\UNION_HILL_ROAD\DWG\301_CHEROKEE\UNION_HILL_1515_0252_301_CHEROKEE.dwg
Plotter on: Nov 02, 2023 - 12:04pm