

FORSYTH COUNTY

Zoning

April 2020 District 4 Zoning Newsletter

Actions the Chair and Board of Commissioners have taken with respect to COVID-19, interspersed with state and national declarations, as well as Forsyth County COVID-19 confirmed infections and deaths:

March 13, 2020 – President Donald Trump declares a national emergency

March 14, 2020 – Georgia Governor Brian Kemp declares a statewide emergency

March 14, 2020 – Georgia Supreme Court issues a 30 day suspension of all judicially-imposed deadlines due to COVID-19

March 16, 2020 – First case of COVID-19 confirmed in Forsyth County

March 18, 2020 – Forsyth County Chair Semanson declares a countywide emergency, activating the County's Emergency Management Plan and prohibiting overcharging (**this emergency declaration will expire April 17, 2020, unless the Chair extends**)

Forsyth County price gouging hotline set up

March 19, 2020 – Forsyth County Board of Commissioners ratifies countywide emergency and issues protocols for County operations, to include postponing public hearings for 60 days, allowing "to go" alcohol sales at restaurants with on-premise consumption licenses and authorizing flexibility regarding utility cut-offs

March 20, 2020 – Forsyth County Chair issues a [declaration emphatically urging citizens to avoid assemblies or gatherings of 10 or more persons](#)

March 20, 2020 – Forsyth County Chair authorizes [waiver of payment of fees at convenience centers \(suspend payment of the deposit fee to lessen need for human contact\); waiver of certain internal-based Forsyth County drug testing \(to ensure that COVID-19 testing is the priority\)](#)

March 20, 2020 - COVID-19 confirmations in Forsyth County (3 cases)

March 21, 2020 - COVID-19 confirmations in Forsyth County (3 cases)

March 23, 2020 – Governor Kemp issues an executive order shutting down “bars” and further prohibiting assemblies of more than 10 persons – if 6 foot separation cannot be maintained

March 23, 2020 - COVID-19 confirmations in Forsyth County (7 cases)

March 24, 2020 – Board of Commissioners conducts work session via online streaming;

March 24, 2020 - COVID-19 confirmations in Forsyth County (8 cases)

March 25, 2020 - COVID-19 confirmations in Forsyth County (9 cases, 1 death)

March 26, 2020 - COVID-19 confirmations in Forsyth County (15 cases, 1 death)

March 27, 2020 - COVID-19 confirmations in Forsyth County (19 cases, 1 death)

March 28, 2020 – Forsyth County Chair issues a declaration waiving penalties for late payment of occupation taxes; authorizing ‘virtual’ public bid openings;

March 28, 2020 – Forsyth County Chair bans in-restaurant and patio dining; authorizes *waiving* purchasing protocols for purchases related to COVID-19

March 28, 2020 - COVID-19 confirmations in Forsyth County (21 cases, 1 death)

March 30, 2020 - COVID-19 confirmations in Forsyth County (33 cases, 1 death)

April 2, 2020 – Next Board of Commissioners regular meeting (multiple business items regarding COVID-19)

As you can see, our board has been proactive in responding to the critical issues in relation to this virus. I ask that you look at Gwinnett, or any other county that has issued a shelter in place order, and see the list of exclusions they have put in it. I don't think there would be any way any sheriff's office could enforce an order such as this with so many exclusions. I believe we have a wonderful group of professionals who act as our emergency team and they are monitoring every aspect of this virus hourly. It is a team you can have great confidence in because it has the necessary balance of health care providers, public safety and emergency planning personnel to give us the needed info to make these critical decisions. I asked our EMA Director at our last meeting if he thought a shelter in place is merited to issue at this time and he said, “No, I do not but when it is, I will tell you.” I believe that he will. I messaged with Lynn Jackson, administrator of Northside Hospital, on Saturday asking her how the hospital was doing and she said really good. She said we had prepared for this situation and moved things around and we are in great shape now with the number of cases we are seeing. It is a very fluid situation and I trust our professionals to tell us when we need to take further action. I do wish that our state representatives had given us some guidelines or criteria to know when a shelter in place would be warranted but they haven't at this point. I believe that is why many are beginning to panic and think a shelter in place order gives them more safety. I believe if everyone looked at the order itself with its many exclusions, you would see it is not going to prevent much citizen travel or movement. Also, for it to be enforceable, the police would literally need to be at every intersection pulling over cars and demanding to know where people are going. I am not of the opinion we have gotten to that point. However, if our public health and emergency

management people advise me that we need a shelter in place order, rest assured, I will be very supportive of their position.

Sincerely,

Cindy

Zoning Applications

On March 19, 2020, the Forsyth County Board of Commissioners adopted a Resolution providing that all public hearings are postponed for sixty (60) days and all final zoning and land use decisions (subject to a very minor exception) were postponed for sixty (60) days. This suspension on public hearings and land use decisions will end May 18, 2020, but is subject to being extended. After the suspension ends, any zoning or land use item that has been stayed, will be placed back on the Board's agenda in the same order as existed prior to the stay. Citizens and residents are encouraged to monitor the Forsyth County webpage, www.forsythco.com, for updates.

ZA3966 – Alina and Dmitry Rockman

This property is located at 9015 Martin Terrace, Gainesville, GA 30506.

Project Summary

Applicant is requesting to rezone from Lake Residential District (LR) to Agricultural District (A1) on 6.34 acres for 1 residential lot with a density of 0.158 units per acre.

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=ZA3966&ID=311370>

ZA3964 – North Lanier Boat RV Storage, LLC Postponed to April 2, 2020

This property is located southeast of Keith Bridge Road approximately 650 ft. northeast of the intersection with North Industrial Drive.

Project Summary

Applicant is requesting to rezone from Agricultural District (A1) to Restricted Industrial District (M1) on 4.996 acres with a Conditional Use Permit (CUP) for a 31,600 sq. ft. climate-controlled self-service storage building with 10 parking spaces, courtyard self-service storage buildings totaling 19,200 sq. ft. with 7 parking spaces and an open storage yard with 64 parking spaces conducting around the clock business.

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Reduce the side setback along the western property boundary adjacent to tax map/parcel 254-035 from 15 ft. to 0 ft. (UDC Table 14.2); 2. Reduce the landscape strip on the western property boundary adjacent to tax map/parcel 254-035 from 6 ft. to 0 ft. (UDC 14-4.13); 3. Reduce the separation distance between self-service storage businesses from $\frac{3}{4}$ mile to $\frac{1}{4}$ mile (UDC 16-4.25(G)); 4. Increase the hours of operation to allow access between midnight and 5:00 a.m. (UDC 16-4.26(F)).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=ZA3964&ID=310407>

ZA3961 – Ruth Ann Estenssoro

This property is located at 6645 Dogwood Road, Gainesville, GA 30506.

Project Summary

Applicant is requesting to rezone from Lake Residential District (LR) to Agricultural District (A1) on 1.331 acres with a Conditional Use Permit (CUP) to operate a 1,120 sq. ft. short-term rental for 4 overnight guests with 2 parking spaces.

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Reduce the front setback along the western property boundary adjacent to the existing structure only from 50 ft. to 25 ft. (UDC Table 15.2).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=ZA3961&ID=310222>

ZA3958 – Roberts Properties, Inc.

This property is located at 3970 Matt Highway, Cumming, GA 30028. This property is also located northeast of Matt Highway at the intersection with Gravitt Road.

Project Summary

Applicant is requesting to rezone from Single Family Residential District (RES3) and Agricultural District (A1) to Master Planned District (MPD) on 84.521 acres for 93 detached residential lots, 78 attached residential units and 67 apartments with a density of 2.82 units per acre and commercial buildings totaling 57,000 sq. ft. with 501 parking spaces.

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Increase the maximum percentage of total residential units for townhomes and/or condominiums from 30% to 32.77% (UDC 20B-2.3(A)); 2. Increase the maximum percentage of total residential units for apartments from 20% to 28.15% (UDC 20B-2.3(B)).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=ZA3958&ID=309017>

Conditional Use Permits

CP200007 – Thomas Family Realty, LLC

This property is located at 6720 Matt Highway, Cumming, GA 30028.

Project Summary

Applicant is requesting to operate a contractor's establishment (landscape contractor) in existing buildings totaling 4,188 sq. ft. with 12 parking spaces on 5.473 acres currently zoned Commercial Business District (CBD).

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Reduce the zoning setback from 50 ft. to 17 ft. along the eastern property boundary adjacent to the existing structures only (UDC Table 12.2); 2. Reduce the zoning buffer from 40 ft. to 10 ft. along the eastern property boundary adjacent to the existing structure only (UDC Table 12.2).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=CP200007&ID=313892>

CP200003 – John & Lee Ann Frix

This property is located at 7665 Browns Bridge Road, Gainesville, GA 30506.

Project Summary

Applicant is requesting to operate an open storage yard on 6.65 acres currently zoned Agricultural District (A1).

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Reduce the side buffer from 25 ft. to 0 ft. adjacent to tax map/parcel number 185-003 (UDC Table 15.2); 2. Reduce the side buffer from 25 ft. to 8 ft. adjacent to tax map/parcel 185-006 for the existing building only (UDC Table 15.2); 3. Reduce the side setback from 25 ft. to 8 ft. adjacent to tax map/parcel 185-006 for the existing building only (UDC Table 15.2).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=CP200003&ID=312712>

CP190039 – Jay and Tina Rogers

This property is located at 6370 Wagner Way, Dawsonville, GA 30534.

Project Summary

Applicant is requesting to operate short-term rentals in dwellings totaling 16,400 sq. ft. for 44 overnight guests with 48 parking spaces associated with private events on 15.637 acres currently zoned Agricultural District (A1).

Concurrent Variance or Conditional Use Permit (CUP) Request(s)

Applicant is requesting a variance to 1. Increase the maximum number of principal buildings on a lot in Agricultural District (A1) from 2 to 10 principal buildings (UDC 10-1.4).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=CP190039&ID=307742>

Sketch Plats

SP190009 – EMES Realty, LLC Originally zoned to RES6 on January 31, 2005

This property is located at 4715 and 4735 Settingdown Circle, Cumming GA 30028. The property is also located immediately south of property known as 5310 Falls Drive.

Project Summary

Applicant is requesting to build 266 attached residential units on 45.183 acres with a density of 5.89 units per acre on property currently zoned Multi Family Residential District (RES6).

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=SP190009&ID=306446>

Zoning Condition Amendments

AZ200008 – Tyler Saville

This property is located at 4615 Settlers Grove Road, Cumming, GA 30028.

Project Summary

Applicant is requesting to amend condition #26. This application is to amend conditions previously approved for ZA2758.

Concurrent Variance Request(s)

Applicant is requesting a variance to reduce the rear setback from 25 feet to 10 feet.

Additional information found at the following eStatus link:

<https://estatus.forsythco.com/Application.aspx?App=AZ200008&ID=314527>

AZ200002 – Thomas Family Realty, LLC

This property is located on the north Side of Matt Highway (SR 369) approximately 1175 feet northwest of the intersection with Whitmire Road, also known as 6720 Matt Hwy, Cumming, GA 30028.

Project Summary

Applicant is requesting to delete conditions #1, #12, #13, #16 and #18 and to amend conditions #5 and #17. This application is to amend conditions previously approved for ZA2675.

Concurrent Variance Request(s)

Applicant is requesting a variance to 1. Reduce the zoning setback from 50 feet to 17 feet along the eastern property boundary (UDC Table 12.2); and 2. Reduce the zoning buffer from 30 feet to 10 feet along the eastern property boundary (UDC Table 12.2).

Additional information found at the following eStatus link:

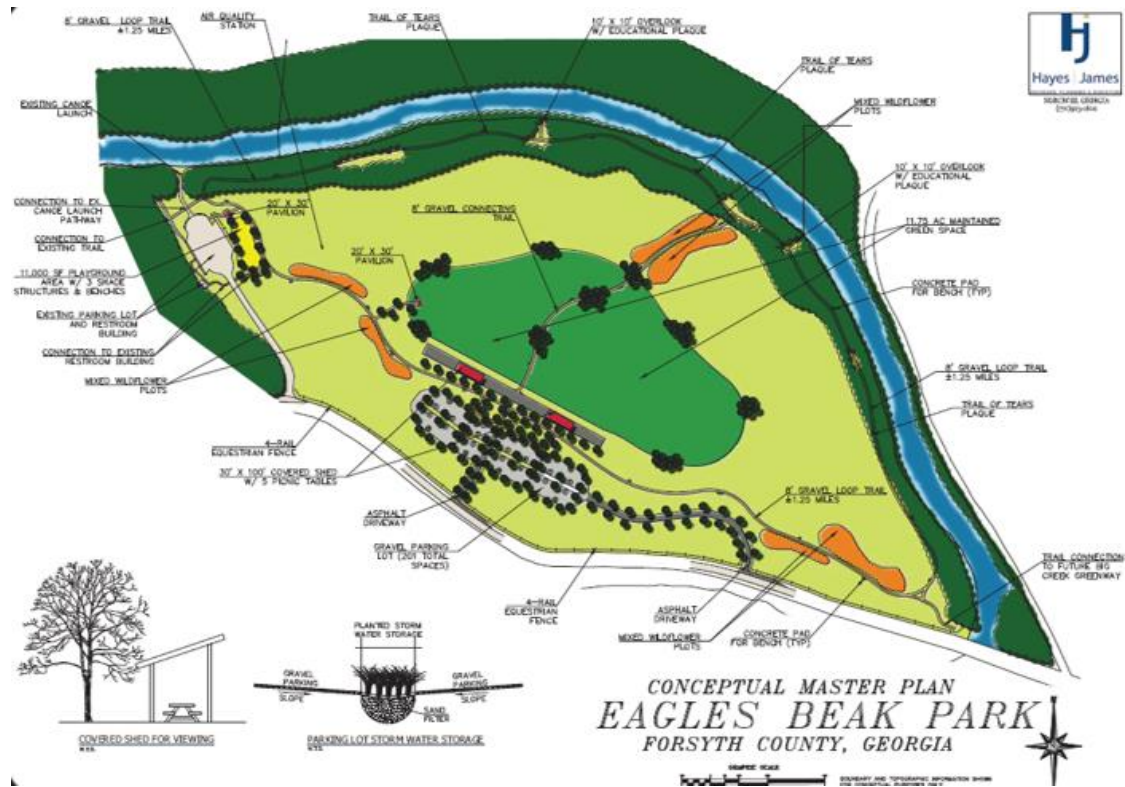
<https://estatus.forsythco.com/Application.aspx?App=AZ200002&ID=312198>

Community Updates

Matt Community Park Tennis Complex – Construction underway. Anticipated completion date Fall 2020.

Matt Community Park Recreation Center – Public input meetings will be rescheduled. Anticipated completion date 2024.

Eagles Beak Park – The Georgia Department of Natural Resources announced the recipients of the Georgia Outdoor Stewardship Program Grant. Forsyth County was awarded \$2,250,000 for Eagles Beak Park. Please see the press release here: <https://georgiawildlife.com/dnr-announces-14-grants-through-georgia-outdoor-stewardship-program>. Below is the Eagles Beak Park Master Plan.



Lanierland Park Phase 2 – Commissioners approved Master Plan Update. Anticipated completion date 2021. The approved master plan is below.



Bennett Park – Public meeting was held January 29, 2020. Anticipated Completion Date 2023.

Coal Mountain Dog Park – Bid was approved by the Board of Commissioners. Anticipated completion date September 2020.

Historic Matt School - The University of North Georgia completed their study for the programming of Matt School and presented findings to the Board of Commissioners.

Coal Mountain Town Center - Architectural design work is ongoing as well as landscape design and code work. We should have public hearings and community meetings on it by mid-year.

369 Widening and Interchange - The project should be out to bid in April and will have a 60-day bid time, which should put the award date in June, project will be three years for construction completion once started.

Coal Mountain Connector - Construction to begin in early 2021.

Important Dates to Remember

April 2 Board of Commissioners' Meeting at 5 p.m. - Watch live at <https://www.forsythco.com/Departments-Offices/Communications/TV-Forsyth-Live>

April 16 Board of Commissioners' Meeting at 5 p.m. – Watch live at <https://www.forsythco.com/Departments-Offices/Communications/TV-Forsyth-Live>

May 7

Forsyth County Day of Prayer at the Courthouse at 10 a.m.