

**RESOLUTION NO. 2020-R-055**  
**CASE # 20-05-013**  
**APPLICANT: Avin, Inc.**

A resolution concerning the following described property:

26.12 +/- acres located in Land Lot 1275 of the 15<sup>th</sup>, 2<sup>nd</sup> Section of Cherokee County, Georgia, and indicated as Parcels 019, 020A, and 021 on Tax Map 15N24.

**WHEREAS**, it is hereby found and determined that Avin, Inc. filed a petition to change the zoning of the property described above from R-80 (Estate Residential) to RD-3 (Single-Family Residential) on October 16, 2019.

**WHEREAS**, the petition to change the zoning proposes single-family residential 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**, on May 22, 2020, the applicant requested to defer the case to the July 7, 2020 public hearing as described in the letter attached hereto as **Exhibit B**; and,

**WHEREAS**, the notice of public hearing, a copy of which is attached hereto as **Exhibit C** 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 7, 2020 upon this request for change of zoning in the Commission Chambers of the Cherokee County Administration Building; and,

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

**WHEREAS**, the applicant requested to withdraw without prejudice on July 31, 2020. The applicant's request to withdraw is attached hereto as **Exhibit F**; 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, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

**NOW THEREFORE**, be it resolved by the Cherokee County Board of Commissioners that the request to rezone the property is hereby declared to be **WITHDRAWN WITHOUT PREJUDICE**.

**SO RESOLVED**, this 4<sup>th</sup> day of August, 2020.

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Harry B. Johnston, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Christy Black, County Clerk







To Whom it May Concern:

Avin Properties the owner of 3429 Trickum Road project is formally requesting to defer the case number 20-05-013 to the next planning commission hearing. We are looking to partner with another entity on this project and need time to further review the case before moving forward.

Thank you for your consideration. Please feel free to call or email with any questions.

Kevin Weaver

Phone: 770.309.5198

kweaver@avininc.com

AVIN PROPERTIES, LLC, PO BOX 767, WOODSTOCK, GEORGIA 30188 (404) 719-4393 PHONE

Ad text :  
gpn16  
TCT3444  
NOTICE OF PUBLIC HEARING  
Avin, Inc.  
CASE# 20-05-013

EXHIBIT 

Avin, Inc. has submitted a petition to the Cherokee County Board of Commissioners requesting that the official zoning map of Cherokee County, Georgia be amended to rezone property from R-80 (Estate Residential) to RD-3 (Single-Family Residential) for a single-family residential development with sixty-five (65) dwelling units. The properties owned by Spaulding Farms, LLC are located at 3441, 3429, and 3425 Trickum Road in Land Lot 1275 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 019, 020A, and 021 on Tax Map 15N24. A total of 26.12 +/- acres is sought to be rezoned.

An exact legal description of the property is on file at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Information about this case is also available at [www.cherokeega.com/cherokeestatus](http://www.cherokeega.com/cherokeestatus).

The Cherokee County Municipal Planning Commission will hold a Work Session at the Cherokee County Administration Building, 1130 Bluffs Parkway on Monday, June 15, 2020 at 6:30 p.m. The Cherokee County Municipal Planning Commission will conduct a joint public hearing with the Cherokee County Board of Commissioners on the request at its meeting on Tuesday, July 7, 2020 at 7:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia. The Planning Commission will forward its recommendation to the Cherokee County Board of Commissioners based upon information presented at the public hearing.

The Cherokee County Board of Commissioners may consider this request at its meeting on Tuesday, August 4, 2020 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Note: Georgia Law requires that all parties who have made campaign contributions to any member of the Cherokee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desires to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution disclosure with the Cherokee County Department of Planning and Zoning.

As set forth in the Americans with Disabilities Act of 1992, the Cherokee County Government does not discriminate on the basis of disability, and will assist citizens with special needs, when given seven (7) working days advance notice.

For information, please call 678-493-6101.  
6:18, 2020

# CHEROKEE TRIBUNE

521 East Main Street, Canton, Georgia 30114

## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA - County of Cherokee

Before me, the undersigned; a Notary Public, this day personally came Otis A. Brumby III, who, being duly sworn, according to law, says that he is the Publisher of Times Journal, Inc., publishers of the CHEROKEE TRIBUNE, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper, as provided by law, on the following dates:

06/18/2020

*Otis A. Brumby III*

Subscribed and sworn to before me this

18th day of June, 2020

*Teresa Reeves*

Notary Public

My commission expires \_\_\_\_\_



**RECEIVED**  
JUN 29 2020  
PLANNING & LAND USE

EXHIBIT D



Department of Planning and Zoning  
1130 Bluffs Parkway • Canton, Georgia 30114

DATE: July 17, 2020

TO: Board of Commissioners  
Jerry Cooper, County Manager  
Angela E. Davis, County Attorney  
Christy Black, County Clerk

FROM: Michael Chapman, Zoning Manager

RE: Recommendation of Planning Commission

**CASE NUMBER:** 20-05-013  
**APPLICANT:** Avin, Inc.  
**ZONING:** R-80 to RD-3  
**LOCATION:** 3425, 3429 and 3441 Trickum Rd.  
**MAP & PARCELS:** 15N24, 019, 020A and 021  
**ACRES:** 26.12 +/-  
**PROPOSED USE:** Single Family Residential  
**COMMISSION DISTRICT:** 2  
**FUTURE DEVELOPMENT MAP:** Suburban Living

As a result of the public hearing held on July 7, 2020, the Cherokee County Planning Commission voted to recommend **denial** of RD-3 zoning for property located at 3425, 3429 and 3441 Trickum Road consisting of 26.12 +/-.

# EXHIBIT E

DATE: 11-11-2011 10:00:00 AM

**OVERALL LEGAL DESCRIPTION:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1275, OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL FOUND IN CONCRETE AT THE LAND LOT CORNER COMMON TO LAND LOTS 1246, 1247, 1274 AND 1275; THENCE LEAVING SAID LAND LOT CORNER AND PROCEEDING, SOUTH 04 DEGREES 52 MINUTES 00 SECONDS WEST, A DISTANCE OF 328.50 FEET TO A #4 REBAR FOUND; THENCE SOUTH 04 DEGREES 52 MINUTES 00 SECONDS WEST, A DISTANCE OF 15.91 FEET TO A #4 REBAR FOUND; THENCE SOUTH 04 DEGREES 52 MINUTES 00 SECONDS WEST, A DISTANCE OF 314.36 FEET TO AN AXLE FOUND; THENCE SOUTH 02 DEGREES 09 MINUTES 16 SECONDS EAST, A DISTANCE OF 213.93 FEET TO AN OPEN TOP PIPE FOUND; THENCE NORTH 87 DEGREES 32 MINUTES 06 SECONDS WEST, A DISTANCE OF 374.50 FEET TO A 1" ROD FOUND; THENCE SOUTH 01 DEGREES 15 MINUTES 11 SECONDS WEST, A DISTANCE OF 22.40 FEET TO A # CRIMP TOP PIPE FOUND; THENCE NORTH 88 DEGREES 28 MINUTES 04 SECONDS WEST, A DISTANCE OF 199.90 FEET TO A POINT; THENCE NORTH 88 DEGREES 27 MINUTES 28 SECONDS WEST, A DISTANCE OF 299.66 FEET TO A #4 REBAR FOUND; THENCE NORTH 488 DEGREES 29 MINUTES 00 SECONDS WEST, A DISTANCE OF 20.14 FEET TO A # CRIMP TOP PIPE FOUND; THENCE NORTH 88 DEGREES 27 MINUTES 34 SECONDS WEST, A DISTANCE OF 192.09 FEET TO A POINT; THENCE NORTH 88 DEGREES 27 MINUTES 48 SECONDS WEST, A DISTANCE OF 217.62 FEET TO A #4 REBAR SET ON THE EASTERLY RIGHT-OF-WAY OF TRICKUM ROAD; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF TRICKUM ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 01 DEGREES 02 MINUTES 43 SECONDS EAST, A DISTANCE OF 39.61 FEET TO A POINT; THENCE SOUTH 89 DEGREES 30 MINUTES 02 SECONDS EAST, A DISTANCE OF 27.79 FEET TO A POINT; THENCE NORTH 00 DEGREES 29 MINUTES 58 SECONDS EAST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 30 MINUTES 02 SECONDS WEST, A DISTANCE OF 27.66 FEET TO A POINT; THENCE NORTH 01 DEGREES 01 MINUTES 54 SECONDS EAST, A DISTANCE OF 162.01 FEET TO A #4 REBAR SET; THENCE NORTH 01 DEGREES 36 MINUTES 43 SECONDS EAST, A DISTANCE OF 210.10 FEET TO A POINT; THENCE NORTH 01 DEGREES 51 MINUTES 58 SECONDS EAST, A DISTANCE OF 119.36 FEET TO A POINT; THENCE NORTH 01 DEGREES 55 MINUTES 30 SECONDS EAST, A DISTANCE OF 331.62 FEET TO A #4 REBAR SET AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF TRICKUM ROAD AND THE LAND LOT LINE COMMON TO LAND LOTS 1246 AND 1275; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY OF TRICKUM ROAD AND PROCEEDING ALONG SAID LAND LOT LINE, SOUTH 88 DEGREES 02 MINUTES 06 SECONDS EAST, A DISTANCE OF 397.17 FEET TO A POINT; THENCE SOUTH 88 DEGREES 52 MINUTES 36 SECONDS EAST, A DISTANCE OF 314.00 FEET TO AN OPEN TOP PIPE FOUND; THENCE SOUTH 88 DEGREES 25 MINUTES 41 SECONDS EAST, A DISTANCE OF 261.40 FEET TO A #4 REBAR FOUND; THENCE NORTH 89 DEGREES 39 MINUTES 19 SECONDS EAST, A DISTANCE OF 183.33 FEET TO A 1" ROD FOUND; THENCE NORTH 89 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 171.22 FEET TO A NAIL FOUND IN CONCRETE AT THE LAND LOT CORNER COMMON TO LAND LOTS 1246, 1247, 1274 AND 1275; SAID NAIL FOUND IN CONCRETE BEING THE TRUE POINT OF BEGINNING;

SAID TRACT OR PARCEL OF LAND CONTAINS 26.16 ACRES OR 1,139,429 SQ. FT. AND CAN BE MORE CLEARLY SHOWN ON A SURVEY FOR SPAULDING FARMS, LLC, BY PRISTINE LAND SERVICES, DATED 6-19-18, BEARING THE SEAL OF K. ADDISON BLAKESLEE, GEORGIA REGISTERED LAND SURVEYOR NUMBER 3246;

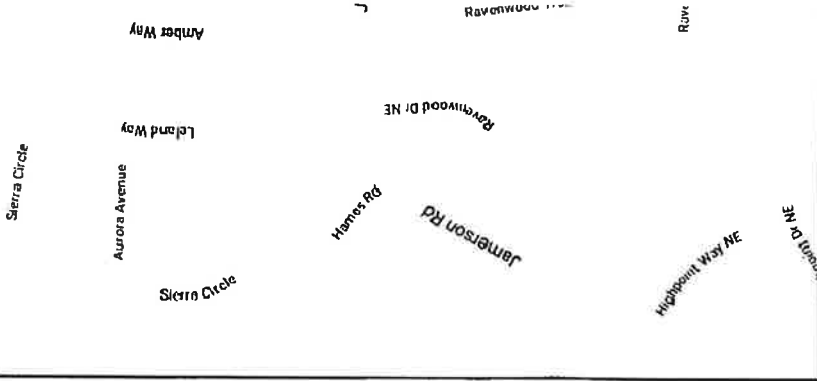


EXHIBIT F



RECEIVED  
JUL 31 2020  
PLANNING & LAND USE

Date 7/30/2020

*Please be advised that, after considerable thought, we would like to request withdrawal without prejudice of application PL20190000530 at the August 4, 2020 BOC Meeting. We understand a request should also be made in person at this meeting. Please advise if this is still required due to the ongoing COVID-19 pandemic.*

Thank you

Kevin Weaver

A handwritten signature in blue ink that reads "Kevin Weaver".

AVIN PROPERTIES, LLC, PO BOX 767, WOODSTOCK, GEORGIA 30188 PHONE 678.398.9091