

**RESOLUTION NO. 2021-R-047**  
**APPLICANT: Tammy Dorsten**  
**Case # 85-07-56**

A resolution concerning the following described property:

1.104 +/- acres located in Land Lots 633 and 664 of the 15<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia, a political subdivision of the State of Georgia, and indicated as Parcel 001 on Tax Map 15N16A.

**WHEREAS**, it is hereby found and determined that the Cherokee County Board of Commissioners granted a change of zone at the above referenced property from R-1 (Residential District) to CN (Neighborhood Commercial) on October 21, 1985 with conditions through adoption of a resolution in case number 85-07-56, a copy of which is attached hereto as **Exhibit A**; and

**WHEREAS**, it is hereby found and determined that Tammy Dorsten filed a petition on June 18, 2021 requesting the Cherokee County Board of Commissioners to modify conditions of case number 85-07-56 in order to encroach into the buffer for a storage building as described in the letter of intent attached hereto as **Exhibit B**; 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 C** was published more than 15 days prior to the public hearing 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, after notice as required by law, held a public hearing on July 20, 2021 upon this request for a modification of zoning conditions in the Cherokee County Administration Building in Canton, Georgia; and

**WHEREAS**, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted; 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 petition to modify zoning conditions is hereby declared to be **APPROVED**.

**SO RESOLVED**, this 20<sup>th</sup> day of July, 2021.

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

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



**ATTEST:**

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

# EXHIBIT A

## RESOLUTION

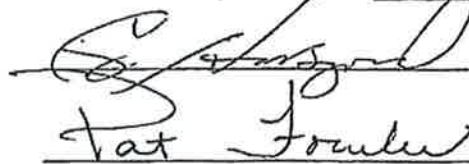
A resolution denying/approving the rezoning of the following described property in Lebanon, at the corner of Ga. 5 and Misty Hollow Way (across from Hooper's Grocery).

WHEREAS, it hereby is found and determined that a petition to change the zone of the above described property from R-1 to CN was filed on June 20, 1985. Proposed use: day care center

WHEREAS, it likewise is found that the Cherokee County-Municipal Planning Commission after notice as required by law did conduct a public hearing upon such change of zone on July 22, 1985, \_\_\_\_\_ in the courtroom of the Cherokee County courthouse and that the recommendation of said planning commission was that the petition should be approved, conditionally (day care center only; minimum 25 foot buffer between center and residential property; hours 6 a.m. to 6 p.m. only; accel and decel lanes; and no cuts on Misty Hollow Way. \* See Below.

NOW therefore, be it resolved by the Cherokee County Commissioner that the above described property still ~~is~~ is now located in the CN district and the Cherokee County planning administrator hereby is directed ~~to~~ not to change the district maps accompanying and being part of the zoning resolution.

Adopted this 21 day of July, 1985

  
\_\_\_\_\_  
Pat Fowler

\* Minimum 50 foot buffer rear (West Side)  
Minimum 25 foot buffer northside (along Misty Hollow Way)  
6 foot fence to block visual access along rear (West Side)  
approval of safe entrance permit from Georgia DOT

Holdheide is in need of a storage building. The only options available to us are at the back of our building, as the 25ft set back from the property line on the side of our building would put the storage unit in the middle of our playground equipment. Holdheide has spoken with Captain Chad Arp, Cherokee County Fire Marshall and he has agreed to allow us to place the storage building 8 ft from our school building. Placing the building there would only set the storage building to encroach 6 ft into our required 50 ft buffer. There would be no windows or doors on the side of the storage building that was in the buffer. The front of the storage building, would face our playground and the fence line would continue along the front of the building so there would never be any foot traffic within the buffer area. We only need to ask for use of the 6 feet for the building to sit properly.

Permitting us to place this storage unit would not change anything within the buffer. Trees and brush would still obstruct the view of the storage building from the neighborhood's side of our property.

The storage building encroaching into the buffer will not affect any adjacent property.

Holdheide is in desperate need of this storage building, as our previous property has been sold and the storage buildings removed to make way for the AutoZone that was approved by the city of Holly Springs. As a school, Holdheide is required to keep all records for a minimum of 7 years. The building will also house our seasonal decorations and teaching resources.

Allowing Holdheide to utilize this 6 ft will not in any way cause an excessive or burdensome use of any existing streets, transportation facilities, utilities or schools.

This proposed modification of zoning is in conformity with the policy, and interest of the land use plan. This modification does not change anything about the land use, it merely allows Holdheide to utilize 6 ft of a 218.12 ft by 52.91 ft natural buffer.

The property which was located across from Holdheide Academy has been purchased and developed by AutoZone. This removed Holdheide's storage building and allowing Holdheide to house our required documents and teaching materials on site, further allows Holdheide to prosper and continue to serve this community, which we have done for the last 14 years.

TIMES JOURNAL, INC.  
P.O. BOX 1633  
ROME GA 30161-1633  
(770)428-9411ext



ORDER CONFIRMATION (CONTINUED)

Salesperson: TERESSA REEVES

Printed at 06/28/21 15:52 by treev-tj

Acct #: 98744

Ad #: 266259

Status: New WHOLD WHOI

gpn16  
TCT6259  
**NOTICE OF PUBLIC HEARING  
CHEROKEE COUNTY  
BOARD OF COMMISSIONERS**

Notice is hereby given that the Cherokee County Board of Commissioners will hold a public hearing on Tuesday, July 20, 2021 at 6:00 P.M. at the Cherokee County Administration Building located at 1130 Bluffs Parkway, Canton, Georgia 30114.

The Board will hear and consider a request from Tammy Dorsten to modify conditions of Case #85-07-056 to allow a six-foot encroachment into the fifty (50) foot rear buffer (West Side) to accommodate a storage shed. The property is located in Land Lots 633 and 664 of the 15th District and further described as Cherokee County Tax Map 15N16A 001.

An exact legal description of the property is on file at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia 30114 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.cherokeego.com/cherokeestatus](http://www.cherokeego.com/cherokeestatus). Meetings of 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 file a campaign contribution disclosure prior to addressing the Board of Commissioners.

As set forth in the Americans with Disabilities Act of 1992, 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 678-493-6103.

7-1-2021



## EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 633 AND 664 OF THE 15TH DISTRICT 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A REBAR LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF GEORGIA HIGHWAY NO 5 (RIGHT OF WAY VARIES) WITH THE LAND LOT LINE DIVIDING LAND LOT 664 AND LAND LOT 665 OF THE 15TH DISTRICT 2ND SECTION CHEROKEE COUNTY, GEORGIA; RUNNING THENCE ALONG SAID LAND LOT LINE SOUTH 00 DEGREES 41 MINUTES 56 SECONDS EAST A DISTANCE OF 244.33 FEET TO A REBAR FOUND; RUNNING THENCE SOUTH 89 DEGREES 16 MINUTES 53 SECONDS WEST A DISTANCE OF 218.12 FEET TO A REBAR FOUND LOCATED ON THE WESTERLY RIGHT OF WAY OF MISTY HOLLOW WAY (RIGHT OF WAY VARIES); RUNNING THENCE ALONG THE WESTERLY RIGHT OF WAY OF MISTY HOLLOW WAY NORTH 00 DEGREES 43 MINUTES 07 SECONDS A DISTANCE OF 38.98 FEET TO A POINT; CONTINUING THENCE ALONG THE WESTERLY RIGHT OF WAY OF MISTY HOLLOW WAY ALONG AN ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 174.59 FEET AND AN ARC DISTANCE OF 101.18 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 15 DEGREES 50 MINUTES 37 SECONDS EAST WITH A CHORD DISTANCE OF 99.77 FEET TO A POINT; CONTINUING THENCE ALONG THE WESTERLY RIGHT OF WAY OF MISTY HOLLOW WAY NORTH 32 DEGREES 24 MINUTES 21 SECONDS EAST A DISTANCE OF 180.00 FEET TO A POINT BEING THE WESTERLY EDGE OF A MITER LOCATED AT THE INTERSECTION OF MISTY HOLLOW WAY AND GEORGIA HIGHWAY NO 5; RUNNING THENCE NORTH 88 DEGREES 32 MINUTES 47 SECONDS EAST TO A POINT WHICH IS THE EASTERLY MITER OF THE INTERSECTION OF MISTY HOLLOW WAY AND GEORGIA HIGHWAY NO 5; RUNNING THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF GEORGIA HIGHWAY NO 5 SOUTH 62 DEGREES 33 MINUTES 58 SECONDS EAST A DISTANCE OF 87.34 FEET TO A REBAR AND THE POINT OF BEGINNING; AS PER THAT CERTAIN PLAT OF SURVEY DATED MAY 15, 2007 AS PREPARED FOR HOLDHEIDE EDUCATION, INC D/B/A THE HOLDHEIDE ACADEMY AND GAETANA ENTERPRISES, LLC, BY MICHAEL R. NOLES G.R.L.S.# 2646 AND BEING SHOWN AS APPROXIMATELY 1.104 ACRES.

QCD and Loan Documents