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Eugene Fears, a third grade
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school!



PUBLIC NOTICE CITY OF WALNUT GROVE

A variance request has been filed with the Walnut Grove Planning and Zoning Commission requesting a driveway variance from Section 612.7 of the zoning ordinance. The subject property located at 876 Forrester Cemetery Road (Parcel #WG010264).

Per O.C.G.A. § 36-66-4, et seq., the Planning and Zoning Commission will hold a public hearing on this request on March 16th, 2023, at 7:00 pm, at the Walnut Grove Municipal Building, 1021 Park Street Loganville, GA 30052. All interested parties may attend to voice their interest and/or objections.

The variance application is on file with the City Clerk and may be viewed upon request during normal business hours.

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WALNUT GROVE APPLICATION FOR CONDITIONAL USE OR VARIANCE

Variance or Conditional Use Request

Date: 1/12/23 Tax Map and Parcel Number(s) WG 010-00000-264-00

PROPERTY ADDRESS 876 Forrester Cemetery

USE REQUESTED (DESCRIBE BELOW):

Requesting approval for a hardship variance to no longer require us to comply with 610 or 610

Parts 1 and/or Part 2 below must be signed and notarized when petition is submitted.

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. The undersigned states under oath that he/she is the owner of the property and the application is true and complete. The owner also states under oath that the petitioner below is authorized to act on their behalf in the filing of this application.

PRINT NAME ~~David Johnson~~ ^{As} David Johnson

ADDRESS 876 Forrester Cemetery

PHONE 847-977-4053

SIGNATURE [Signature]

Sworn to and subscribed before me this 19 Day of January 2023

Regina Gobbee
NOTARY PUBLIC



Part 2. The undersigned states under oath that he/she is the petitioner and is authorized to act on the owner's behalf in the filing of this application and the application is true and complete.

PRINT NAME _____

ADDRESS _____

PHONE _____

SIGNATURE _____

Sworn to and subscribed before me this _____ Day of _____ 20____

NOTARY PUBLIC
ATTORNEY/AGENT

Check One: Attorney Agent

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE

ZIP CODE

PETITIONER'S SIGNATURE

PHONE NUMBER

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Ashley + David Johnson
APPLICANT

876 ~~Forrester~~ Forrester Cemetery
ADDRESS

Covington, GA 30014

847-977-4053
PHONE NUMBER

BUSINESS REPRESENTED

Check one of the following:

(A) The applicant here certifies, under oath, that he or she has not made any campaign contributions or gifts having an aggregate total value of \$250 or more to any local government official of Walnut Grove, Georgia, as defined by O.C.G.A. 36-67A-1(5).

(B) The Applicant here certifies, under oath, that he or she has made the following campaign contributions or gifts having an aggregate total value of \$250 or more to a local government official of Walnut Grove, Georgia as defined by O.C.G.A. 36-67A-1 (5).

Please list total value of contribution(s) dates and names of the local Government Official:

Describe in detail any gifts listed above (example: quantity and nature, etc.):

IMPACT ANALYSIS

1. Map and Parcel #: _____
2. Road Names): Forrester Cemetery Rd
3. Use Request: Hardship Variance for ordinance 610+612
4. Petitioner's Name: Ashley Johnson
Address: 876 Forrester Cemetery
Daytime Telephone No.: 847-977-4053

EXCERPTS OF ORDINANCE APPLICANT MUST CERTIFY COMPLIANCE WITH

Request for Conditional Use or Variance shall be processed in accordance with the following requirements:

1. Initiation of Amendments. A proposed Conditional Use or Variance may be initiated by the Mayor and Council, or by application filed by the owner(s) of the property.
2. Application procedure. Completed forms, together with an application fee plus any additional information the applicant feels to be pertinent, will be filed with the City Clerk. Any communication purporting to be an application for a Conditional Use or Variance shall be regarded as a mere notice to seek relief until it is made in the form required.
3. Applications, including all required fees, attachments and supplemental information, must be submitted in proper form at least 21 days prior to a hearing to be heard at that hearing.
4. The applicant must set forth a written justification for the requested Conditional Use or Variance.
5. The applicant must state the details of the exact Conditional Use or Variance requested and address all items in Section 1501.
6. Applications shall include:
 - A. A written legal description of the property which is the subject of the request, including the current tax parcel number.
 - B. Three copies of a plat of the subject property drawn to scale, prepared and sealed by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid, showing:
 1. North arrow, land lot and district.
 2. Property lines with dimensions and angles of turns.
 3. Adjoining streets with present right-of-way and pavement widths.
 4. Location of existing structures.

5. Proposed Conditional Use or Variance.

C. An application shall be accompanied by such other plans, elevations or additional information as the City Clerk and the Ordinance may require, showing the impact on natural and built systems. Additional information may include without limitation traffic studies, utility studies, and drainage studies. At a minimum the following shall be submitted:

1. Residential Zoning District Conditional Use or Variance

- a) Show how the proposed property is to be subdivided including proposed streets.
- b) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- c) State minimum lot size and total number of lots proposed.
- d) State minimum house size proposed.

2. Commercial or Non-Residential and Multi-family Zoning District Conditional Use or Variance.

- a) Show proposed layout of building locations with driveway and parking lots.
- b) Show proposed curb cuts or existing driveway/roadways.
- c) Show all required buffers and building set back lines.
- d) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- e) State the density per acre and the square feet per acre area of total buildings.

7. All applications shall include the notarized signature of the applicant and, if the applicant is not the current property owner, such application shall include the notarized authorization from the property owner for the requested Conditional Use or Variance.

SUMMARY OF DEADLINES AND PROCEDURES

1. Pre-application review is requested prior to the formal submittal of the application.
2. The application must be complete and submitted in proper form at least 21 days prior to a hearing. Fees are to be paid, by check or money order, at the time of filing. Checks without pre-printed account information will not be accepted.
3. Applications preferably should be submitted in-person by the applicant or an authorized agent. Applications submitted via courier or mail makes it harder to immediately communicate with the applicant about any potential deficiency or any ambiguity.
4. Applicant is requested to submit any revisions to site plans, letters of intent, proposed conditions, etc. to the City Clerk immediately. Last minute revisions may delay the dates of public hearings.
5. The applicant may be given a preliminary Public Notice sign to post on the property. This will identify the site for the City, who will post the official sign.
6. The applicant must attend the public hearing at the municipal building. The hearing is at the Council meeting which is typically the second Thursday of each month, 7 p.m.
7. Any staff analysis report may be available from the City Clerk a day before the hearing.

REQUIRED ITEMS

1. **PRE-APPLICATION REVIEW MEETING:** Prior to submitting an application, all applicants are encouraged to meet with the City Clerk or Designee, who will review your proposal. Bring to the meeting a plat or site plan. Call City Hall for an appointment.

2. **APPLICATION FORM:** The applicant must have a notarized signature of all owners of the property authorizing the filing of the application. If the owner is not the petitioner, part 2 of the form must also be completed. The owner's signature of the application may serve as authorization for the petitioner/applicant or agent to act on their behalf in filing of the application.

3. **NARRATIVE DESCRIPTION OF REQUEST:** The applicant shall set forth a written justification for the request. This should include factual information such as requested use, acreage, square footage of buildings, number of residential structures, number of parking spaces, any special conditions, any subdivision of property, setbacks, existing and proposed buildings, parking, driveways, buffers, landscape areas, streams, and other features.

4. **PLAT:** The plat of the property must be prepared and sealed by a professional engineer or land surveyor registered in Georgia, and include: The complete boundaries of the subject property and all buildings and structures existing thereon; Notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and Notation as to the total acreage or square footage of the subject property.

5. **LEGAL DESCRIPTION:** Must match the plat.

6. **IMPACT ANALYSIS:** Complete the form answering all questions regarding the impact of the use with respect to each standard and factor.

7. **STANDARDS OF REVIEW:** Complete this form briefly addressing all requirements showing compliance with the standards of review. The standards are as follows:

Section 1501. Hearings. The mayor and council shall have the following powers:

1. To recommend variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted only upon a finding by the Mayor and Council that:

- a) There are extraordinary and exceptional conditions of the property in question because of its size, shape or topography; undisturbed waterway extends frontage of property
- b) The application of the Ordinance to this property would create an unnecessary hardship; yes
- c) Such conditions are peculiar to this property; waterway - yes
- d) Such conditions are not the result of any actions of the property owner; correct
- e) A variance, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance. correct
- f) The zoning proposal is consistent with construction and design standards and criteria adopted by City; _____
- g) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district; correct
- h) The variance is the minimum variance that will make possible an economically viable use of the land, building, or structure; and allow our site plan to be approved
- i) The variance is not for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by the Zoning Ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Mayor and Council. correct

2. To recommend, in specific cases, Conditional Uses after a public hearing and determining the Conditional Use will not be contrary to the public interest and determining that the Conditional Use:

- a. Will not be injurious to the use and enjoyment of the environment or other property in the vicinity nor diminish and impair property values within the surrounding neighborhood; correct
- b. Will not increase expenditures in relation to cost of serving neighboring properties or maintaining infrastructure; correct

- c. Will not impede the normal and orderly development of surrounding property for uses predominant in the area; Correct and
- d. Has a location and character consistent with a desirable pattern of development. Correct
3. The following evidence must be satisfactorily demonstrated before the 4 determinations above can be made:
- Evidence of reduction of adverse environmental impacts to acceptable levels; Correct
 - Evidence that traffic will not be substantially hindered or endangered; Correct
 - Evidence that parking and loading will be adequate; Correct
 - Evidence that public facilities and utilities are capable of serving the proposed use; Correct
 - Evidence that the use will not cause a damaging volume of commercial use in a stable neighborhood which would lead to decreasing property values, and/or that this use would not lead to additional requests that would expand these problems; N/A
 - Evidence that the proposed use would not lead to congestion, noise or traffic hazards; Correct
 - Evidence that the use conforms to the comprehensive land use plan; Correct
 - Evidence that the use would not have a domino effect creating a "wedge" for further rapid growth beyond that contemplated by the comprehensive land use plan. Correct
4. Additional Conditional Use Permit Criteria. No application for a conditional use permit shall be granted by the Mayor and Council unless it is determined that in addition to meeting the requirements contained within applicable use standards and the zoning district in which the conditional use permit is located, satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:
- Adequacy of the size of the site for the use contemplated and whether adequate land area is available for the proposed conditional use; Correct
 - Compatibility with adjacent properties and with other properties in the same zoning district; Correct
 - Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed; _____
 - Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency; _____
 - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use; _____
 - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed conditional use; _____
 - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use; _____
 - Whether there is adequate provision of refuse and service areas; _____
 - Whether the length of time for which the conditional use permit is granted should be limited in duration; _____
 - Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. _____
 - Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and
 - Whether the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of City. _____
5. In approving a Conditional Use or Variance, the Mayor and Council may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this Ordinance.
6. If at any time after a Conditional Use or Variance has been issued, the Mayor and Council finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder, the Variance or Conditional Use shall be terminated and such use discontinued. If a Variance or Conditional Use permit is terminated for any reason, it may be reinstated only after a public hearing for a new application, and approval thereof.

Section 1508. Mayor and Council Public Hearing and Action.

- The Mayor and Council may also require that the land area for such application be reduced, or that conditions be added or deleted, as the Mayor and Council deems appropriate.
- It is the duty of the applicant to carry the burden of proof regarding his application under this Article.

6. In approving a Variance or Conditional Use request, the Mayor and Council may impose special conditions it deems necessary in order to make the requested action acceptable and consistent with the purposes of the zoning district(s) involved and to thither the goals and objectives of the Comprehensive Plan. Such conditions include but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building size; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffer provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that the applicant must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the Mayor and Council may deem appropriate and necessary as a condition of the Conditional Use or Variance.

8. WATER AND SEWER LETTER: A letter or statement indicating the availability of water and sewer service and any upgrades necessary to provide continued service.

9. TRAFFIC STUDY: A traffic study must be submitted if the development reaches a threshold as specified by the zoning ordinance. A traffic study is also required as part of the Development of Regional Impact.

10. DEVELOPMENT OF REGIONAL IMPACT: When an application includes uses that exceed the listed thresholds of intensity it is deemed to be a Development of Regional Impact. Applicants shall first file the permit request, then no action shall be taken on the application until a finding is made by the N.E. Georgia Regional Development Center.

Letter of Intent for Zoning Variance For:

Ashley and David Johnson
876 Forrester Cemetery Rd
Covington GA 30014

Parcel ID #

Letter of Intent for Zoning Variance

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the required Driveway Ordinance section 610 and section 612 and provide a Hardship Variance approval for use of the deeded recorded ingress/egress easement as driveway. The hardship variance would be used to allow property owner to move forward with requesting a building permit to build their home.

1. Due to the topography of the property with the pond and un-disturbed waterway on the entire frontage of the property between the home building site and the city-maintained roadway following the ordinance requirement would require the Army Corps of Engineers to permit a driveway to be built in the form of a bridge over the waterway.
2. Granting the variance will not be materially determinate to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
3. The granting of the variance would have a positive effect on the adjoining property to the east (Christopher and Amie Johnson). This request would leave the undisturbed waterway, undisturbed so that we do not cause harm or effect the neighboring waterway. Leaving the pond and waterway undisturbed is the best approach for the area.
4. The granting of the variance would have no negative effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner not just casual/discretionary inconvenience to the property owner.
5. Lastly, approving the use of the easement would align to what has been granted for the neighboring property at 874 Forrester Cemetery Road. This neighboring property is currently using an easement that is shared 50/50 (Highland Group, Sundial, City of Walnut Grove). And all easements meet the standard requirement for safety purposes of 20' width for fire and rescue vehicles to enter or exit.

Thank you for your time and consideration.

Sincerely,
Ashley and David Johnson

RECEIVED
MAR 15 2021

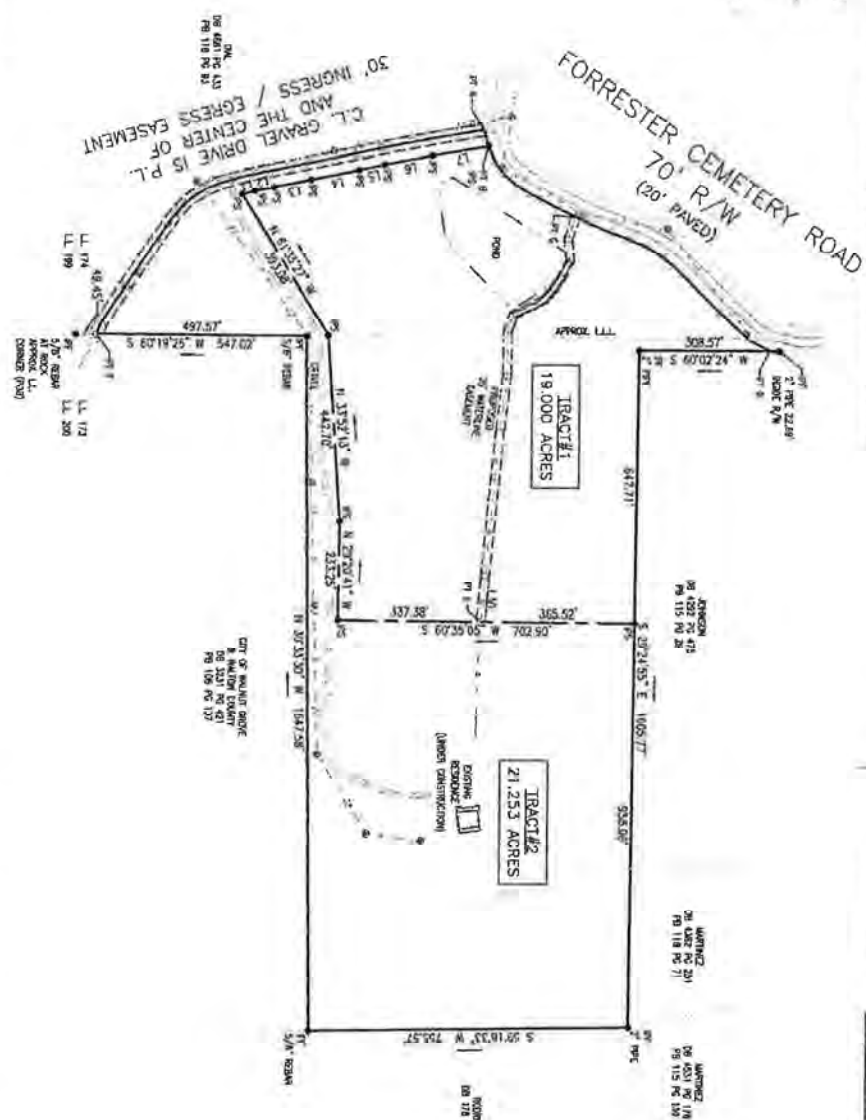
Handwritten signature

3/10/2021

SURVEYOR'S CERTIFICATE
I, JOHN P. DAVID, SURVEYOR, LICENSE NO. 15444, HAVE BEEN FULLY ADVISED BY A LAND OWNER AND APPROVED BY ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE ALSO CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THE FOLLOWING INSTRUMENT, BOOKS HAVE APPROVAL
THIS DAY, FOR OR FOR THE BENEFIT OF:
CITY OF WALNUT GROVE
DATE: 3-15-2021
FILED AND RECORDED
MAR-17-2021 12:07 PM
DOCK# 2021 - 000091
KAREN P. DAVID
CLERK OF SUPERIOR COURT
WALTON COUNTY, GA
Participant ID: 9566767999

LINE	BEARING	DISTANCE
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- LEGEND**
- 1. BOUNDARY
 - 2. EASEMENT
 - 3. RIGHT-OF-WAY
 - 4. EGRESS/INGRESS
 - 5. ADJACENT PROPERTY
 - 6. EXISTING ROAD
 - 7. EXISTING DRIVE
 - 8. EXISTING UTILITY
 - 9. EXISTING STRUCTURE
 - 10. EXISTING FENCE
 - 11. EXISTING CURB
 - 12. EXISTING SIDEWALK
 - 13. EXISTING DRIVEWAY
 - 14. EXISTING PORCH
 - 15. EXISTING PATIO
 - 16. EXISTING DECK
 - 17. EXISTING STAIRS
 - 18. EXISTING WALKWAY
 - 19. EXISTING BIKEWAY
 - 20. EXISTING TRAIL
 - 21. EXISTING CANAL
 - 22. EXISTING DITCH
 - 23. EXISTING TRENCH
 - 24. EXISTING DRAINAGE
 - 25. EXISTING SWALE
 - 26. EXISTING GULLY
 - 27. EXISTING CULVERT
 - 28. EXISTING BRIDGE
 - 29. EXISTING TOWER
 - 30. EXISTING MAST
 - 31. EXISTING SIGN
 - 32. EXISTING LIGHT
 - 33. EXISTING WIRE
 - 34. EXISTING PIPE
 - 35. EXISTING CONDUIT
 - 36. EXISTING CABLE
 - 37. EXISTING FIBER
 - 38. EXISTING TELEPHONE
 - 39. EXISTING POWER
 - 40. EXISTING GAS
 - 41. EXISTING WATER
 - 42. EXISTING SEWER
 - 43. EXISTING RAIN
 - 44. EXISTING DRAIN
 - 45. EXISTING GUTTER
 - 46. EXISTING DOWNSPOUT
 - 47. EXISTING FOUNDATION
 - 48. EXISTING FOUNDATION
 - 49. EXISTING FOUNDATION
 - 50. EXISTING FOUNDATION

SURVEY NOTES:
THE FIELD DATA UPON WHICH THIS PLAN IS BASED UPON WAS A CLOSEST APPROXIMATION OF ONE FOOT IN 44,527 FEET, AND AN ANGLE ERROR OF 2" PER ANGLE POINT, AND WAS ADJUSTED USING COMPOUND RULE. THIS PLAN HAS BEEN CALCULATED FOR CURVATURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 250,000 FEET BY 499 CHECK.
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 3-SECOND LEICA 1516 TOTAL STATION INSTRUMENT.
NEAREST DRIVE IS GOLF HOLLOW, GEORGIA STATE PLACEMENT ZONE AND VERTICAL DATUM IS NAVD83. ESTABLISHED ONE-SITE NETWORK GPS OBSERVATIONS WITH A LEICA CS15 GNSS RISK RECEIVER.
FIELDWORK COMPLETED: 3/9/2021

SUBJECT PROPERTY: IS LOCATED WITHIN AREAS HAVING ZONE DESIGNATIONS OF "ZONE X", DETERMINED TO BE SUBJECT TO THE 1/2% ANNUAL CHANCE FLOODPLAIN BY THE SURVEYOR'S MEASUREMENT AND URBAN DEVELOPMENT, ON PLANNING AND ZONING COMMISSION CASE NO. 1287002252, WITH AN EFFECTIVE DATE OF 12/9/2015 FOR COMMISSION NUMBER 120413, CITY OF WALNUT GROVE, GEORGIA.
THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT AND MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD NOT RELECTED UPON THIS SURVEY.
TOTAL AREA = 40.253 ACRES APX
BEING A DIVISION OF THE PARCEL W010784

RECORDS:
DEED BOOK 4232 PAGE 118
PLAN BOOK 39 PAGE 74
OWNER OF RECORD:
SUNDIAL ENTERPRISES INC
1100 HWY 158
CORPORATION, VA 20014

SCALE: 1" = 200'
0 100 200 400

MINOR SUBDIVISION SURVEY FOR:
SUNDIAL ENTERPRISES INC
LAND LOT 173 & 174, 4TH DISTRICT
CITY OF WALNUT GROVE
WALTON COUNTY, GEORGIA

GA WEST, ZONE 1002
180 03

W&A Engineering
100 QUINN LANE, SUITE 100
WALTON COUNTY, GEORGIA
385-233-1111

21-00553

KK: 4829 PG: 165-167
Filed and Recorded
Apr-01-2021 12:02:45PM
DOCH: I2021-005814
Karen P. David
CLERK OF SUPERIOR COURT Walton County GA.

3
MP

at Weeder, Lane & Hunter
43 Lee Boyd Rd
Loganville, GA 30052

STATE OF GEORGIA
COUNTY OF WALTON

EASEMENT AGREEMENT

THIS EASEMENT OF INGRESS AND EGRESS, MADE this 30th day of March, 2021, by and between Sundial Enterprises, Inc., as party of the first part, hereinafter called "Grantor", and Highland Group Homebuilders, Inc., as party of the second part, hereinafter called "Grantee".

WITNESSETH:

WHEREAS, Grantor is the owner of certain property more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 173 and 174, 4th District, being shown as Tract 2, containing 21.253 acres, Walton County, Georgia, on plat of survey entitled "Minor Subdivision Survey For: Sundial Enterprises, Inc." prepared by W & A Engineering, certified by John F. Brewer, III, G.R.L.S. No. 2905, dated March 10, 2021, and recorded in Plat Book 120, Page 24, Walton County Georgia Records, which plat is by reference incorporated herein and made a part hereof.

WHEREAS, Grantee is desirous of securing an easement of access, ingress and egress across and through Grantor's above referenced property by way of the gravel drive shown on the above referenced plat as a 30 foot ingress/egress easement for the benefit of Grantee's property more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 173 and 174, 4th District, being shown as Tract 1, containing 19.000 acres, Walton County, Georgia, on plat of survey entitled "Minor Subdivision Survey For: Sundial Enterprises, Inc." prepared by, W & A Engineering, certified by John F. Brewer, III, G.R.L.S. No. 2905, dated March 10, 2021, and recorded in Plat Book 120, Page 24, Walton County Georgia Records, which plat is by reference incorporated herein and made a part hereof.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, Grantor does hereby grant and convey unto said Grantee, the

right of access, ingress and egress as described below, Walton County, Georgia, over, across and through a portion of the Grantor's above referenced property.

Grantee hereby agrees to indemnify and hold Grantor harmless from and against any and all claims of property or personal damages resulting from the construction, maintenance, repair or removal of or failure to maintain and repair the easements granted herein and all expenses relative to construction, maintenance, repair and removal thereof will be borne by Grantee. In order to protect the value of the respective properties, the owner of either parcel of property shall have the full and unrestricted right to cause the maintenance, repair and replacement to be made to said property as may be necessary to insure that the property is maintained in a good, proper and functional condition and appearance.

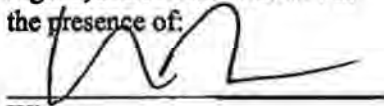
The terms "Grantor" and "Grantee" as used herein shall be deemed to mean their respective heirs, successors and assigns, and this Agreement shall inure to the benefit of and be binding upon Grantor, Grantee and their respective heirs, successors and assigns.

Grantor and Grantee's respective successors in title acknowledge and agree that this Easement Agreement and the easements, rights and privileges granted herein, are essential to the use and enjoyment of Tract 1 and each of said respective owners shall cooperate fully with the other owners with respect to the use and enjoyment of all of the Easements, rights and privileges granted herein.

This Easement Agreement and the easements, rights and privileges granted herein shall be binding upon and shall inure to the benefit of Grantor and Grantee and their respective legal representatives, successors, heirs, grantees, assigns and successors in title. All of the easements, rights and privileges set forth herein shall be appurtenant to and shall run with the real property which is both hereby burdened and benefited. Any conveyance of the property shall also convey the rights, privileges, duties and obligations contained in this Easement Agreement, regardless of whether or not specific mention is made of this Easement Agreement, and regardless of whether or not a specific conveyance is made of, or subject to, the rights, privileges, duties and obligations herein.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and their seals on the day and year above first written.

Signed, sealed and delivered in the presence of:



Witness

Notary Public



GRANTOR:

Sundial Enterprises, Inc.

BY: 
Jon Dial, President/CEO



Commission Expiration Date:

[NOTARY SEAL]

Signed, sealed and delivered in

the presence of:



Witness

Notary Public

Commission Expiration Date: 10/27/2008

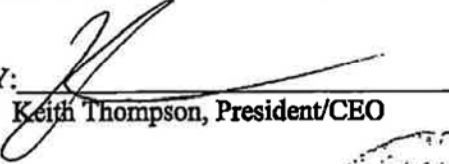
[NOTARY SEAL]

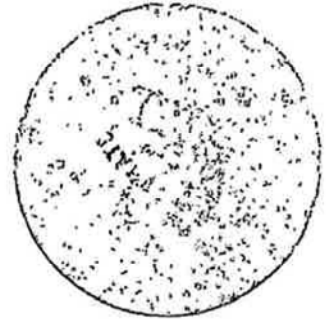


GRANTEE:

Highland Group Homebuilders, Inc.

BY:


Keith Thompson, President/CEO





Ashley Johnson <johnsonfam33@gmail.com>

Email from Lance Harper

1 message

Ashley Johnson <johnsonfam33@gmail.com>
To: Ashley Johnson <johnsonfam33@gmail.com>

Thu, Jan 19, 2023 at 7:31 PM

----- Forwarded message -----

From: **Lance Harper** <lanceharper@bellsouth.net>
Date: Wed, Oct 19, 2022 at 2:11 PM
Subject: Re: Forrester
To: Ahyoka Homes <ahyokahomesinc@gmail.com>

Jennifer/David,

Attached is the site plan for Forrester Cemetery Road. Sorry it took so long but this one was a little more difficult than the usual ones. I've also attached the state erosion control checklist.

When researching this site we found that it is in the city limits of Walnut Grove. I'm not sure if the plans need to be submitted to them or Walton County. The plans are detailed enough so that they should be approved for either jurisdiction.

Let us know if you have any questions. Thanks!

**Lance Harper**
Bear Creek Engineering

Ph:470-327-2444 | M:770-862-6001

10384 Fieldcrest Drive
Covington, GA 30014
<http://www.bearcreekeng.net>

NO.	REVISION	DATE

SITE PLAN
 FOR
 AHYOKA HOMES, INC.
 876 FORESTER CEMETERY ROAD
 LAND LOTS 173 & 174 - 4th DISTRICT
 CITY OF WALNUT GROVE, GA



RUNOFF COEFFICIENTS
 SITE: 4.77 AC
 PRE-COVERED: 1.77 AC
 POST-DEVELOPED: 0.50 AC
 COEFFICIENT: 0.38

I CERTIFY UNDER PENALTY OF LAW THAT THIS PLAN WAS PREPARED BY ME OR AN AUTHORIZED AGENT, EMPLOYEE OR ARCHITECT.

Paul M. ...
 Paul M. ...
 State of Georgia
 License No. 10000

I hereby affirm that the information and data contained herein were obtained from reliable sources and that I am a duly licensed Professional Engineer in the State of Georgia. I have prepared this plan in accordance with the Georgia Engineering Code and the Georgia Engineering Board's rules and regulations. I have also provided a copy of this plan to the City of Walnut Grove, Georgia, for their review and approval.

Paul M. ...
 Paul M. ...
 State of Georgia
 License No. 10000

REVISIONS:

1. REVISION 1: ...
2. REVISION 2: ...
3. REVISION 3: ...
4. REVISION 4: ...
5. REVISION 5: ...
6. REVISION 6: ...
7. REVISION 7: ...
8. REVISION 8: ...
9. REVISION 9: ...
10. REVISION 10: ...

Project Name: AHYOKA HOMES, INC.
 876 FORESTER CEMETERY ROAD
 WALNUT GROVE, GA 30087
 Project No.: 2022-0105
 Date: 10/19/2022
 Scale: 1"=50'

TABLE 1: ELEVATION DATA

POINT	ELEVATION (FEET)
1	100.00
2	100.50
3	101.00
4	101.50
5	102.00
6	102.50
7	103.00
8	103.50
9	104.00
10	104.50
11	105.00
12	105.50
13	106.00
14	106.50
15	107.00
16	107.50
17	108.00
18	108.50
19	109.00
20	109.50
21	110.00
22	110.50
23	111.00
24	111.50
25	112.00
26	112.50
27	113.00
28	113.50
29	114.00
30	114.50
31	115.00
32	115.50
33	116.00
34	116.50
35	117.00
36	117.50
37	118.00
38	118.50
39	119.00
40	119.50
41	120.00
42	120.50
43	121.00
44	121.50
45	122.00
46	122.50
47	123.00
48	123.50
49	124.00
50	124.50
51	125.00
52	125.50
53	126.00
54	126.50
55	127.00
56	127.50
57	128.00
58	128.50
59	129.00
60	129.50
61	130.00
62	130.50
63	131.00
64	131.50
65	132.00
66	132.50
67	133.00
68	133.50
69	134.00
70	134.50
71	135.00
72	135.50
73	136.00
74	136.50
75	137.00
76	137.50
77	138.00
78	138.50
79	139.00
80	139.50
81	140.00
82	140.50
83	141.00
84	141.50
85	142.00
86	142.50
87	143.00
88	143.50
89	144.00
90	144.50
91	145.00
92	145.50
93	146.00
94	146.50
95	147.00
96	147.50
97	148.00
98	148.50
99	149.00
100	149.50

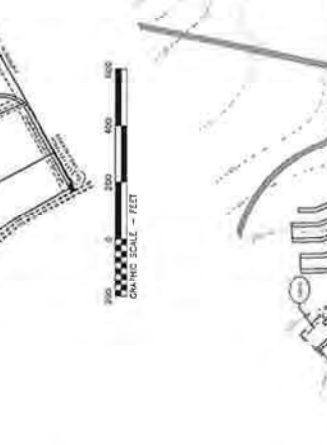


TABLE 2: DRAINAGE DATA

NO.	AREA (SQ. FT.)	COEFFICIENT	DRAINAGE AREA (SQ. FT.)
1	10000	0.38	3800
2	20000	0.38	7600
3	30000	0.38	11400
4	40000	0.38	15200
5	50000	0.38	19000
6	60000	0.38	22800
7	70000	0.38	26600
8	80000	0.38	30400
9	90000	0.38	34200
10	100000	0.38	38000
11	110000	0.38	41800
12	120000	0.38	45600
13	130000	0.38	49400
14	140000	0.38	53200
15	150000	0.38	57000
16	160000	0.38	60800
17	170000	0.38	64600
18	180000	0.38	68400
19	190000	0.38	72200
20	200000	0.38	76000
21	210000	0.38	79800
22	220000	0.38	83600
23	230000	0.38	87400
24	240000	0.38	91200
25	250000	0.38	95000
26	260000	0.38	98800
27	270000	0.38	102600
28	280000	0.38	106400
29	290000	0.38	110200
30	300000	0.38	114000
31	310000	0.38	117800
32	320000	0.38	121600
33	330000	0.38	125400
34	340000	0.38	129200
35	350000	0.38	133000
36	360000	0.38	136800
37	370000	0.38	140600
38	380000	0.38	144400
39	390000	0.38	148200
40	400000	0.38	152000
41	410000	0.38	155800
42	420000	0.38	159600
43	430000	0.38	163400
44	440000	0.38	167200
45	450000	0.38	171000
46	460000	0.38	174800
47	470000	0.38	178600
48	480000	0.38	182400
49	490000	0.38	186200
50	500000	0.38	190000
51	510000	0.38	193800
52	520000	0.38	197600
53	530000	0.38	201400
54	540000	0.38	205200
55	550000	0.38	209000
56	560000	0.38	212800
57	570000	0.38	216600
58	580000	0.38	220400
59	590000	0.38	224200
60	600000	0.38	228000
61	610000	0.38	231800
62	620000	0.38	235600
63	630000	0.38	239400
64	640000	0.38	243200
65	650000	0.38	247000
66	660000	0.38	250800
67	670000	0.38	254600
68	680000	0.38	258400
69	690000	0.38	262200
70	700000	0.38	266000
71	710000	0.38	269800
72	720000	0.38	273600
73	730000	0.38	277400
74	740000	0.38	281200
75	750000	0.38	285000
76	760000	0.38	288800
77	770000	0.38	292600
78	780000	0.38	296400
79	790000	0.38	300200
80	800000	0.38	304000
81	810000	0.38	307800
82	820000	0.38	311600
83	830000	0.38	315400
84	840000	0.38	319200
85	850000	0.38	323000
86	860000	0.38	326800
87	870000	0.38	330600
88	880000	0.38	334400
89	890000	0.38	338200
90	900000	0.38	342000
91	910000	0.38	345800
92	920000	0.38	349600
93	930000	0.38	353400
94	940000	0.38	357200
95	950000	0.38	361000
96	960000	0.38	364800
97	970000	0.38	368600
98	980000	0.38	372400
99	990000	0.38	376200
100	1000000	0.38	380000



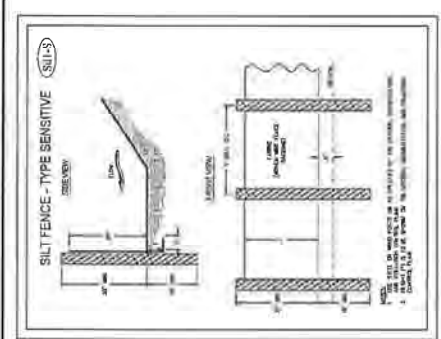
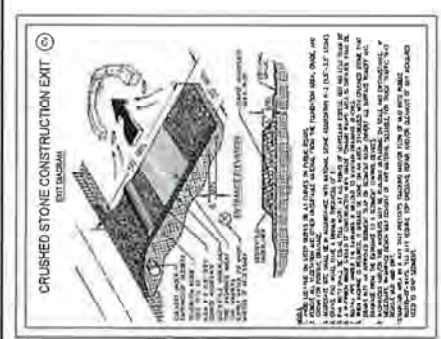
GEORGIA
UNIFORM CODING SYSTEM
 FOR SOIL EROSION AND SEDIMENT CONTROL PRACTICES
 GEORGIA SOIL AND WATER CONSERVATION COMMISSION

CODE	STRUCTURAL PRACTICES		VEGETATIVE PRACTICES	
	SOIL	WATER	SOIL	WATER
SP1	Grass seeding	Grass seeding	Grass seeding	Grass seeding
SP2	Sod waterways	Sod waterways	Sod waterways	Sod waterways
SP3	Grass mulch	Grass mulch	Grass mulch	Grass mulch
SP4	Grass strips	Grass strips	Grass strips	Grass strips
SP5	Grass buffer strips	Grass buffer strips	Grass buffer strips	Grass buffer strips
SP6	Grass windbreaks	Grass windbreaks	Grass windbreaks	Grass windbreaks
SP7	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP8	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP9	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP10	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP11	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP12	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP13	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP14	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP15	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP16	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP17	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP18	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP19	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP20	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP21	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP22	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP23	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP24	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP25	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP26	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP27	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP28	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP29	Grass windrows	Grass windrows	Grass windrows	Grass windrows
SP30	Grass windrows	Grass windrows	Grass windrows	Grass windrows

ACTIVITY SCHEDULE

Construction activities for the project. The schedule shows the duration of various activities from Site Preparation to Final Inspection.

Activity	Start Date	End Date
Site Preparation	08/15/2022	09/15/2022
Clearing	08/22/2022	09/22/2022
Excavation	09/05/2022	09/25/2022
Foundation	09/15/2022	10/15/2022
Structural	09/25/2022	11/25/2022
Interior	10/15/2022	12/15/2022
Final Inspection	12/15/2022	12/15/2022



1.00.01 The applicant shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

1.00.02 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

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1.00.06 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

1.00.07 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

1.00.08 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

1.00.09 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.

1.00.10 The applicant shall be responsible for obtaining all necessary approvals from the appropriate local, state and federal agencies. The applicant shall also be responsible for paying all applicable fees and charges.



Ashley Johnson <johnsonfam33@gmail.com>

Email from Lance Harper about Easements

1 message

Ashley Johnson <johnsonfam33@gmail.com>
To: Ashley Johnson <johnsonfam33@gmail.com>

Thu, Jan 19, 20

Lance Harper <lanceharper@bellsouth.net>
to Ahyoka, me

Nov 10, 2022, 6:35 AM

Good morning,

We just received the official NOI for this project (attached). Thanks for letting us assist you in the construction of your new home. Please let us know if you need anything else.



Lance Harper
Bear Creek Engineering
Ph:470-327-2444 | M:770-862-6001
10384 Fieldcrest Drive
Covington, GA 30014
<http://www.bearcreekeng.net>

One attachment • Scanned by Gmail



Ashley Johnson <johnsonfam33@gmail.com>
to Lance, Ahyoka

Nov 21, 2022, 1:21 PM

Lance,

The City of Walnut Grove is pushing back and we must have our driveway off of Forrester Cemetery and it must be showing on the actual site plan. Can you please assist with a driveway reflected off of Forrester Cemetery Drive.

Ashley



Lance Harper <lanceharper@bellsouth.net>
to Ahyoka, me

Nov 23, 2022, 7:20 AM

Good morning,

Sorry it took me so long to get back with you, but I was out of town the last few days at an early Thanksgiving celebration.

On what basis are they telling you the drive must be off of Forrester Cemetery Road? Attached is your plat that is on record in the Walton County courthouse. It was just recorded in March of 2022. It clearly shows ingress/egress easements on the side roads to the back side of your property we showed on our site plan.

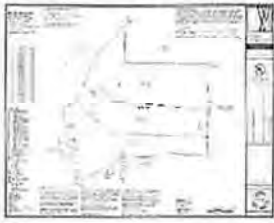
If the driveway ends up having to come off of Forrester Cemetery Road we will have to issue you a change order proposal to redesign the site. It will be tricky since you may need to cross the creek that exits from the existing pond. Hopefully that won't be needed since the recorded plat clearly shows the intent of access to your property is by the side roads.

Inline image



Lance Harper
Bear Creek Engineering
Ph:470-327-2444 | M:770-862-6001
10384 Fieldcrest Drive
Covington, GA 30014

<http://www.bearcreekeng.net>



PB 122 Pg 103.JPG
148K



Ashley Johnson <johnsonfam33@gmail.com>

Highland and W&A Engineering Response

1 message

Ashley Johnson <johnsonfam33@gmail.com>
To: Ashley Johnson <johnsonfam33@gmail.com>

Thu, Jan 19, 2023 at 7:38 PM

From: Keith Thompson <kstbuilders@yahoo.com>
Date: Fri, Oct 21, 2022 at 8:44 AM
Subject: Fw: easement
To: Realtor Jennifer Tucker <jennyatremax@gmail.com>
CC: scotsmanland@yahoo.com <scotsmanland@yahoo.com>

Hello, here is a recorded plat from our engineers for both tracts 2 and 3 on the pond that have a 20ft ingress egress easement for each tract, 40 ft total for the rear access. As well as front access on Forrester Cemetery rd. The Walnut Grove Mayor Mark Moore would like someone to pave the 30 ft ingress egress easement that's owned 50 % by Sundial property's and Highland Group Home Builders Inc. But there is no plans and never has been to pave that property that's owned 50% by both parties. The City has only has an ingress egress easement on that piece of property to access the City's property behind the 31 acres. Hope this helps answer your question. Thanks Highland Group Home Builders Inc.

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Samual Byron" <SByron@waengineering.com>
To: "Keith Thompson" <kstbuilders@yahoo.com>
Sent: Mon, Apr 11, 2022 at 11:54 AM
Subject: easement

Mr. Thompson, there is a 40' ingress egress easement on the back side of tract 2 &3 already recorded

Samual Byron**Survey Instrument Man | W&A Engineering**
SByron@waengineering.com**Building Better Communities****P: (770) 267-4703****C: (770) 940-2186**1003 South Broad Street
Monroe, GA 30655waengineering.com



Ashley Johnson <johnsonfam33@gmail.com>

Email from Lance about Army Corps of Engineers

1 message

Ashley Johnson <johnsonfam33@gmail.com>
To: Ashley Johnson <johnsonfam33@gmail.com>

Thu, Jan 19, 2023 at 7:34 P

Lance Harper <lanceharper@bellsouth.net>

Tue, Dec 6, 2022, 10:07 AM

to Ahyoka, Nick, me

Ashley,

I've included my business partner, Nick Roper, on this email. As I mentioned on the phone earlier this morning, Nick is much more knowledgeable about pond, dams, creek crossings than I am. I went over your situation with Nick and we feel the city is in serious error in their interpretation of this ordinance. In your email to me on 11/23/22 the mayor cited section 612 of the attached ordinance. We feel this ordinance is intended for the **design** of lots, not for lots already subdivided. Your property is in a legally recorded subdivision and all easements shown on it are legally binding easements. This property was subdivided with the specific purpose of accessing the property from the ingress/egress easements to the rear. To better illustrate this look at the property adjacent to yours (Tract #2) on the attached recorded subdivision plat. If the city holds this owner to the same requirement they are trying to hold you, how are they supposed to access Forrester Cemetery Road? They would have to build a bridge completely across the existing pond. Common sense would say that is not feasible and that it has always legally been intended for tracts 2 and 3 to use the ingress/egress easements.

If the city is not willing to agree to this we will have to get the Army Corp of Engineers involved in the permitting to rework the dam and/or design a separate driveway crossing. This will take several months and will be very costly. It would probably be more economical and expedient to get a lawyer involved to argue your case before the planning office or mayor.

The relocation of the house and septic lines is a much easier fix. Once the driveway issue is resolved the house relocation can be done simultaneously.

We feel there is simply a misunderstanding on the city's part and that these lots were designed with the intent to use the ingress/egress easement for access. Feel free to call us if you have any questions regarding this.



Lance Harper
Bear Creek Engineering

Ph:470-327-2444 | M:770-862-6001

10384 Fieldcrest Drive
Covington, GA 30014
<http://www.bearcreekeng.net>