

CITY OF DALLAS, GEORGIA  
APPLICATION FOR VARIANCE  
BOARD OF APPEALS

NAME OF PROPERTY OWNER:

Benson Funeral Home, Inc.

ADDRESS OF PROPERTY OWNER:

309 Hardee Street Dallas, GA. 30132

LOCATION OF PROPERTY:

Same

Parcel ID 137.2.3.017.0000 Acct. 1188

COUNTY TAX MAP NUMBER:

INTENDED USE OF PROPERTY:

Funeral Home

ZONING DISTRICT AND SETBACKS:

Ward 4

CHECKLIST  
(SUBMIT WITH APPLICATION AND FEE)

- LEGAL DESCRIPTION OF PROPERTY (COPY OF DEED)
- PLAT SHOWING DIMENSIONS, ACREAGE AND LOCATION OF TRACT(S) PREPARED TO SCALE (6 COPIES)
- EXACT DESCRIPTION OF VARIANCE(S) APPLIED FOR:

Sign application

3-11-2024  
DATE

  
SIGNATURE OF OWNER OR AGENT

LEGAL NOTICE

I, Benson Funeral Home, Inc. HAVE APPLIED FOR A VARIANCE(S) TO  
(OWNER OR AGENT)

THE CITY OF DALLAS, GEORGIA AS IT APPLIES TO MY PROPERTY WHICH IS WITHIN A PORTION  
OF LAND LOT(S) 303 IN THE 2 DISTRICT AND 3 SECTION OF PAULDING  
COUNTY, LOCATED AT 309 Hardee Street Dallas, GA 30132.

SAID REQUEST FOR A VARIANCE IS SUBJECT TO A PUBLIC HEARING TO BE HELD AT THE  
DALLAS CITY COUNCIL ROOM, 129 EAST MEMORIAL DRIVE, DALLAS, GEORGIA. SAID  
PUBLIC HEARING WILL BE HELD ON \_\_\_\_\_.

REQUESTED THIS 11 DAY OF March, 2024.

[Signature] SIGNATURE

1854  
THE CITY OF

FOR OFFICE USE:

LEGAL AD NOTICE WILL RUN WEEK OF \_\_\_\_\_ AND WEEK OF \_\_\_\_\_  
SENT TO PAPER FOR PUBLICATION \_\_\_\_\_

COMMENTS:

DISPOSITION

A PUBLIC HEARING WAS HELD ON AN APPLICATION FOR A VARIANCE REQUESTED BY

Benson Funeral Home, Inc.

AT THE CITY OF DALLAS COUNCIL ROOM.

SAID HEARING WAS HELD ON \_\_\_\_\_.

THE BOARD OF APPEALS OF THE CITY OF DALLAS, GA. HAVE INDICATED BY A VOTE OF

\_\_\_\_\_ TO \_\_\_\_\_ THAT THE ABOVE APPLICATION BE:

- APPROVED
- DISAPPROVED

PLEASE INDICATE BELOW ANY COMMENTS, REASONS FOR DISAPPROVAL, OPPOSITION TO THE REQUEST AND / OR ANY CONDITIONS THAT SHOULD BE MADE A PART OF THE PUBLIC RECORD.



\_\_\_\_\_  
DATE

\_\_\_\_\_  
SECRETARY TO THE BOARD OF APPEALS

Recorder please return to:  
Mason Rountree  
27 Courthouse Square  
Dallas, Georgia 30132  
(770) 443-6060

## QUIT-CLAIM DEED

STATE OF GEORGIA, COUNTY OF PAULDING

THIS INDENTURE, made the 30<sup>th</sup> day of December in the year Two Thousand Four between JAMES H. BENSON A/K/A JAMES H. BENSON, SR. of the County of Paulding, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and BENSON FUNERAL HOME, INC. of the County of Paulding and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of One Dollar (\$1.00) and Other Good and Valuable Consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

James H. Benson (Seal)  
Witness  
JAMES H. BENSON AKA  
JAMES H. BENSON, SR.

Mason B. Rountree  
Notary Public

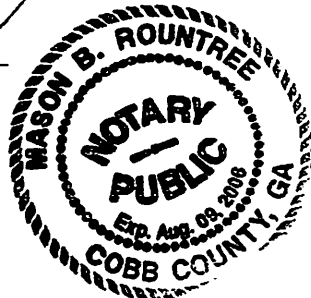


EXHIBIT "A"

TRACT I:

All that tract or parcel of land lying and being in the 2nd District, 3rd Section, Paulding County, Georgia, and being a part of original Land Lot 303, more particularly described as follows:

BEGINNING at an iron pin on the Western side of Hardee Street located 112.4 feet Northward from the intersection of the Western side of Hardee Street with the Northern side of Foster Avenue: Thence running South  $64^{\circ} 45'$  West along a concrete block and brick masonry wall a distance of 127 feet to an iron pin; thence running South  $70^{\circ} 14'$  West a distance of 195.5 feet to an iron pin; thence running North  $0^{\circ} 12'$  East a distance of 91.6 feet; thence running North  $0^{\circ} 16'$  West a distance of 95 feet; thence North  $0^{\circ} 15'$  East a distance of 118.06 feet; thence running North  $47^{\circ}$  East a distance of 7.65 feet to an iron pin; thence running North  $29^{\circ}$  East a distance of 96.5 feet to an iron pin at the Western side of Hardee Street; thence running Southeastward along the Western side of Hardee Street a distance of 368.5 feet to the Point of Beginning.

Said property being shown by plat of survey by Ernest L. Boggus, RLS, dated October, 1969, and made a part hereof by reference.

and

TRACT II:

All that tract or parcel of land lying and being in the 2nd District, 3rd Section, Paulding County, Georgia, and being a part of original Land Lot 346, more particularly described as follows:

BEGINNING at an iron pin located on the North side of West Foster Avenue, 153 feet East of the intersection of Highland Avenue and West Foster Avenue: Thence running East along the North right-of-way a distance of 202 feet to an iron pin; thence running North a distance of 100 feet to an iron pin; thence running West a distance of 196 feet to an iron pin; thence running South a distance of 100 feet to the Point of Beginning.

Said tract being bounded on the West by property now or formerly owned by Myrtis Henderson; on the North by property of James Benson; on the East by property of Mrs. Mary Carroll; and on the South by the right-of-way of West Foster Avenue.

# LEGAL DESCRIPTION

3

18/21/1996 12:18 4439427

TALLEY & ASSOCIATES

PAGE 03

Exhibit A

GEORGIA STATE BANK  
630 FONTAINE ROAD, S.W.  
MABLETON, GEORGIA 30050

## TRACT I:

All that tract or parcel of land lying and being in the 2nd District, 3rd Section, Paulding County, Georgia, and being a part of original Land Lot 303, more particularly described as follows:

BEGINNING at an iron pin on the Western side of Hardee Street located 112.4 feet Northward from the intersection of the Western side of Hardee Street with the Northern side of Foster Avenue: Thence running South  $64^{\circ} 45'$  West along a concrete block and brick masonry wall a distance of 127 feet to an iron pin; thence running South  $70^{\circ} 14'$  West a distance of 195.5 feet to an iron pin; thence running North  $0^{\circ} 12'$  East a distance of 91.6 feet; thence running North  $0^{\circ} 16'$  West a distance of 95 feet; thence North  $0^{\circ} 15'$  East a distance of 118.06 feet; thence running North  $47^{\circ}$  East a distance of 7.65 feet to an iron pin; thence running North  $29^{\circ}$  East a distance of 96.5 feet to an iron pin at the Western side of Hardee Street; thence running Southeastward along the Western side of Hardee Street a distance of 368.5 feet to the Point of Beginning.

Said property being shown by plat of survey by Ernest L. Boggs, RLS, dated October, 1969, and made a part hereof by reference.

and

## TRACT II:

All that tract or parcel of land lying and being in the 2nd District, 3rd Section, Paulding County, Georgia, and being a part of original Land Lot 346, more particularly described as follows:

BEGINNING at an iron pin located on the North side of West Foster Avenue, 153 feet East of the intersection of Highland Avenue and West Foster Avenue: Thence running East along the North right-of-way a distance of 202 feet to an iron pin; thence running North a distance of 100 feet to an iron pin; thence running West a distance of 196 feet to an iron pin; thence running South a distance of 100 feet to the Point of Beginning.

Said tract being bounded on the West by property now or formerly owned by Myrtis Henderson; on the North by property of James Benson; on the East by property of Mrs. Mary Carroll; and on the South by the right-of-way of West Foster Avenue.

BOOK - 545 PAGE 678

LEGAL DESCRIPTION BY DEED REFERENCE

Filed September 30, 1977 11:00 A. M.

749 Recorded September 30, 1977 C. M. Turner, Clerk

WARRANTY DEED

NEW ERA PRINT, DALLAS, GA.

STATE OF GEORGIA, PAULDING County.

THIS INDENTURE, made this 9th day of August in the year of our Lord One Thousand Nine Hundred and SEVENTY-SEVEN between JOHN T. PERREN

of the State of GEORGIA and County of Paulding of the first part and JAMES H. BENSON

of the State of GEORGIA and County of Paulding of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all that tract or parcel of land lying and being in the Second District and Third Section of Paulding County, Georgia, and being in the City of Dallas, and being part of Original Land Lot No. 303, and described as follows:

BEGINNING at an iron pin on the western side of Hardee Street located 112.4 feet northward from the intersection of the western side of Hardee Street with the northern side of Foster Avenue; thence running south 64 degrees 45 minutes west along a concrete block and brick masonry wall a distance of 127 feet to an iron pin; thence running south 70 degrees 14 minutes west a distance of 195.5 feet to an iron pin; thence running north 0 degrees 12 minutes east a distance of 91.6 feet; thence north 0 degrees 16 minutes east a distance of 95 feet; thence north 0 degrees 15 minutes east a distance of 118.06 feet; thence north 47 degrees east a distance of 7.65 feet to an iron pin; thence north 29 degrees east a distance of 96.5 feet to an iron pin at the western side of Hardee Street; thence running southeastward along the western side of Hardee Street a distance of 168.5 feet to the point of beginning.

Said property being shown by plat of survey by Ernest L. Boggus, registered land surveyor, dated October, 1969, and made a part hereof by reference.

Said property is conveyed subject to the lien of a Deed to Secure Debt in favor of First National Bank of Paulding County to secure a note dated October 14, 1975, for the principal sum of \$35,000.00, bearing interest at 9% per annum on which there is due a balance of \$26,960.00, payable in 55 equal monthly installments of \$600.00 payable on the 5th day of each month from September 5, 1977, through March 5, 1982, which the purchaser and grantee hereby assumes and agrees to pay in accordance with the original terms of said note. Grantor will pay 1977 Taxes.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of himself the said party of the second part, his heirs and assigns forever, IN FEE SIMPLE.

And the said party of the first part, for himself/his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part, has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of

John T. Perren (Seal)
Paulding County, Ga. (Seal)
Real Estate Transfer Tax (Seal)
Paid \$ 18.30 (Seal)
Date (Seal)
(Clerk) Superior Court

Arthur W. Fudger
Pan Cochran, NP
Seal Affixed

Notary Public, Georgia, State of 1976
My Commission Expires Nov. 11, 1977

LEGAL DESCRIPTION BY DEED REFERENCE

Filed June 10, 1985 3:45 P.M.

-51

Recorded June 11, 1985 Sylvia G. Strickland, Clerk

WARRANTY DEED

NEW PLA PRINT, DALLAS, GA.

STATE OF GEORGIA, PAULDING County.

THIS INDENTURE made this JUNE day of JUNE in the year of our Lord One Thousand Nine Hundred and EIGHTY-FIVE between CECYL E. WELCH, JR. AND ROSEMARY E. WELCH

of the State of GEORGIA and County of PAULDING of the first part and JAMES BENSON

of the State of GEORGIA and County of PAULDING of the second part. WITNESSETH: That the said part IES of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part Y of the second part, his heirs and assigns, all that tract or parcel of land lying and being in the City of Dallas, 2nd District and 3rd Section, Paulding County, being a portion of Land Lot 346, more fully and particularly described as follows:

BEGINNING at an iron pin located on the north side of West Foster Avenue, 153 feet east of the intersection of Highland Avenue and West Foster Avenue, thence east along West Foster Avenue a distance of 202 feet to an iron pin; thence north a distance of 100 feet to an iron pin; thence west a distance of 196 feet to an iron pin; thence south a distance of 100 feet to the POINT OF BEGINNING.

Said tract being bounded on the west by the property of Mrs. Myrtis Henderson, on the north by the property of James Benson, on the east by the property of Mrs. Mary Carroll; and on the south by the right-of-way of West Foster Avenue. Said property having improvements consisting of (1) 5 room frame house.

Subject to water and sewage easements as being used by James Benson.

Paulding County, Ga. Real Estate Transfer Tax Paid \$ 12.00 Date 6-10-85

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of himself the said part Y of the second part, his heirs and assigns forever, IN FEE SIMPLE.

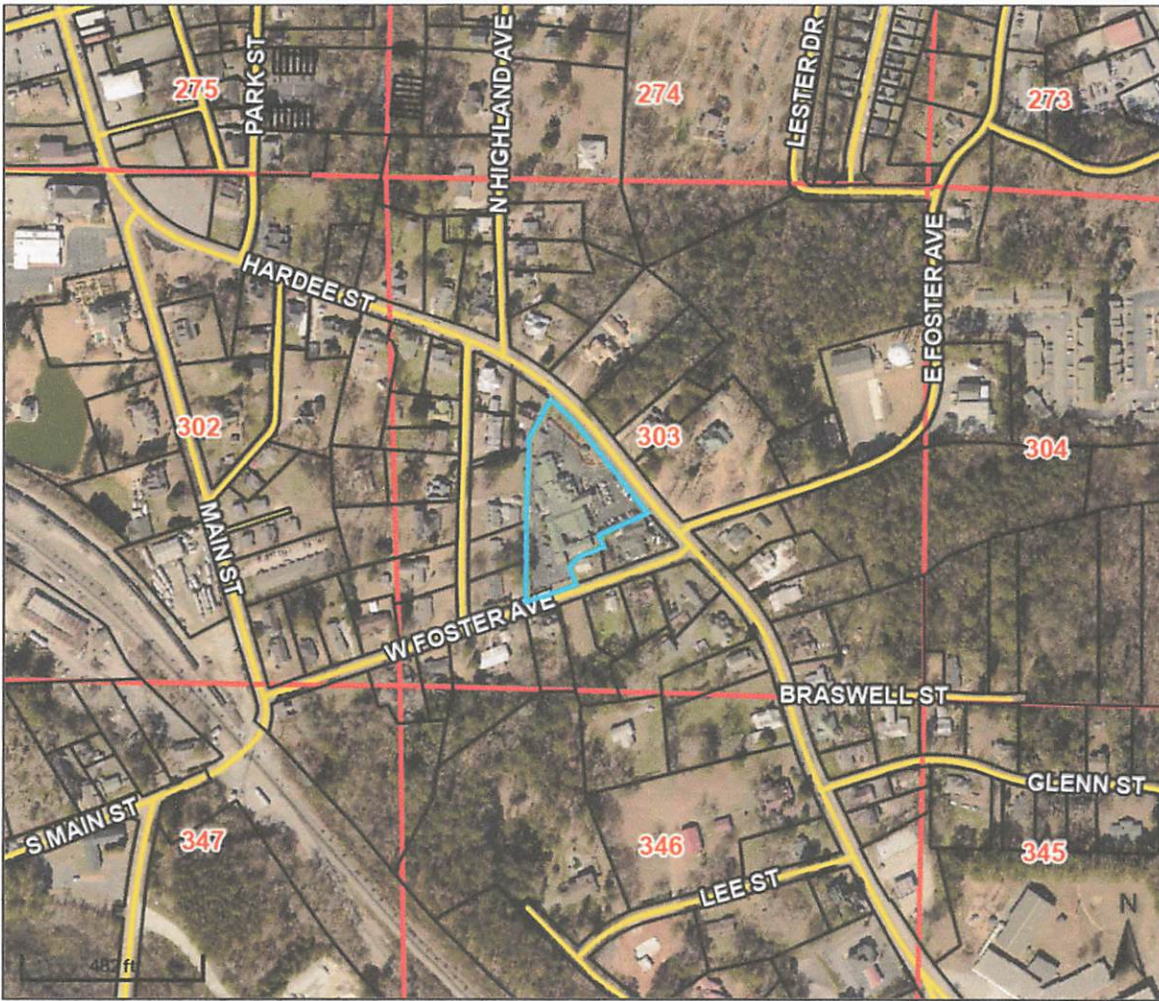
And the said part IES of the first part, for their heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part Y of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part IES of the first part have hereunto set their hands and affixed their seals, on the day and year above written.

Signed, sealed and delivered in the presence of Glenda Thomason, Charlotte Tyson, N.P. Seal Affixed. Cecyl E. Welch, Jr. Rosemary E. Welch. Notary Public, Georgia, Commission Expires Sept. 10, 1983.

Glenda Thomason Charlotte Tyson, N.P. Seal Affixed Glenda Thomason Charlotte Tyson, N.P. Seal Affixed





Overview



Legend

- Parcels
- LandLots
- Subdivision Names
- Roads

Parcel ID	137.2.3.017.0000	Alternate ID	1188	Owner Address	BENSON FUNERAL HOME INC	Last 2 Sales			
Sec/Twp/Rng	n/a					Date	Price	Reason	Qual
Property Address	309 HARDEE ST	Class	Commercial		PO BOX 3	1/26/2023	0	U	U
District	DALLAS	Acreage	1.92		DALLAS, GA 30132	1/26/2023	0	U	U
Brief	n/a				Assessed Value	Value \$1,400,620			
Tax Description	(Note: Not to be used on legal documents)								

The Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

Date created: 3/11/2024  
 Last Data Uploaded: 3/8/2024 7:21:24 PM



Overview



Legend

- Parcels
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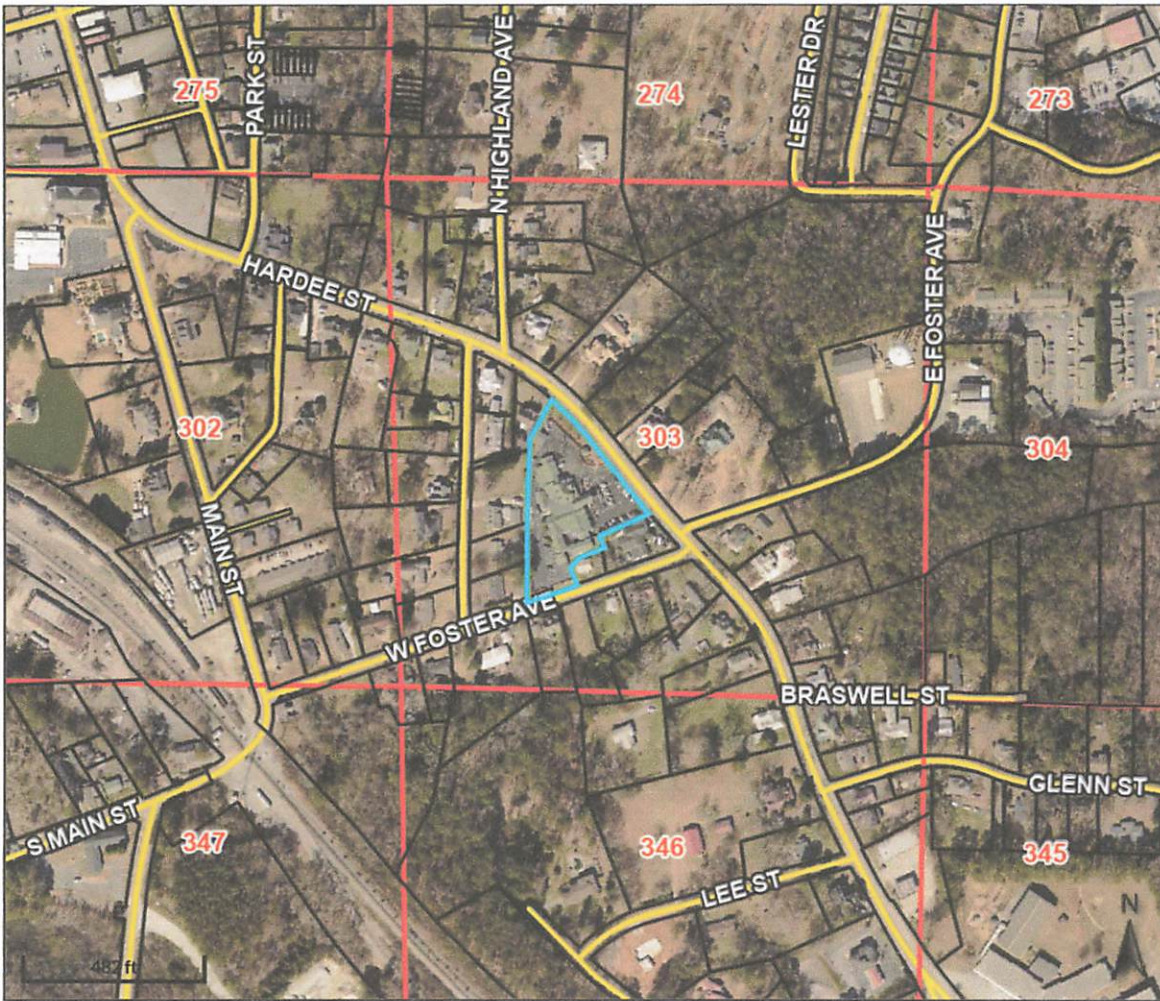
Parcel ID	137.2.3.017.0000	Alternate ID	1188	Owner Address	BENSON FUNERAL HOME INC	Last 2 Sales			
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Brief Tax Description	n/a			Assessed Value	Value \$1,400,620				

(Note: Not to be used on legal documents)

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Overview



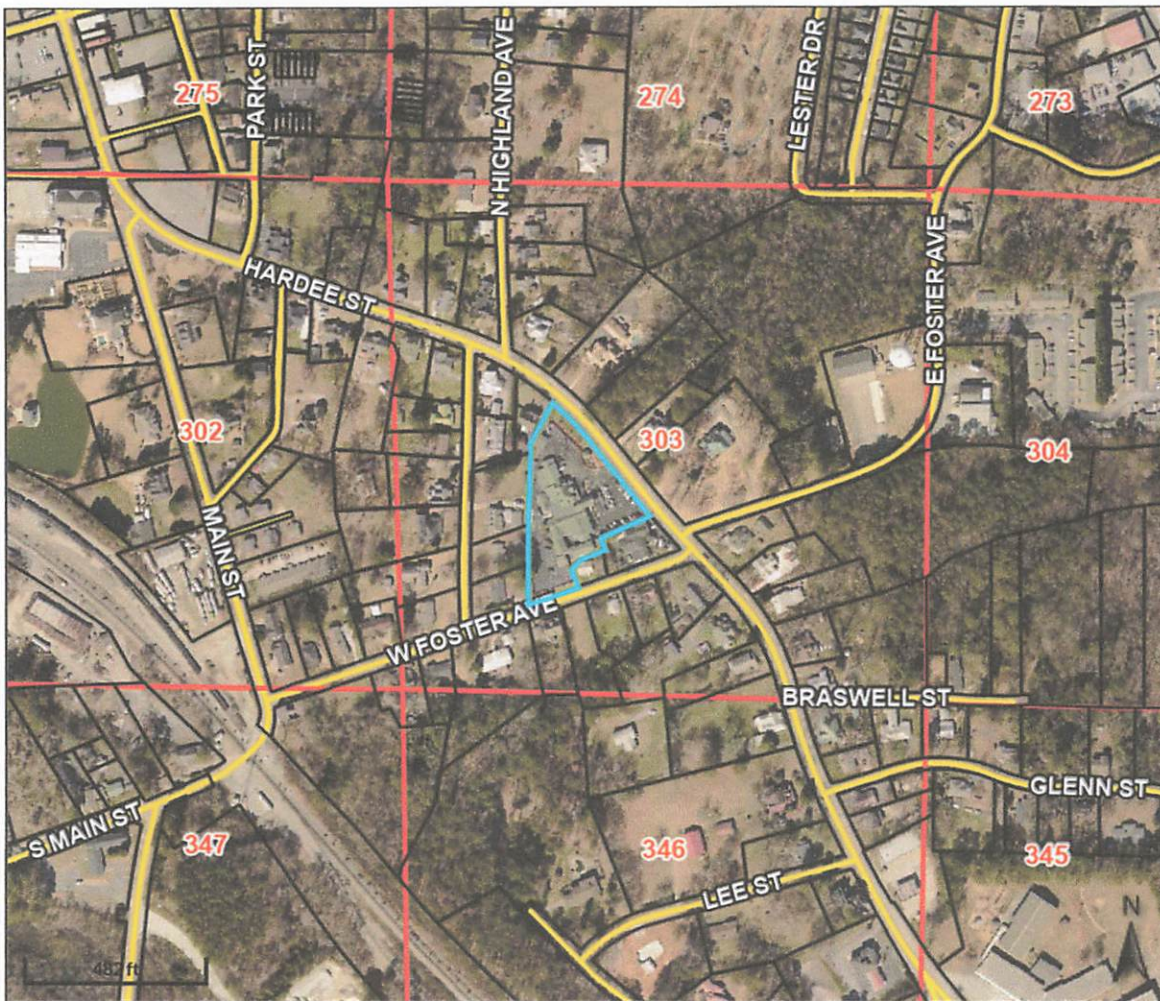
Legend

- Parcels
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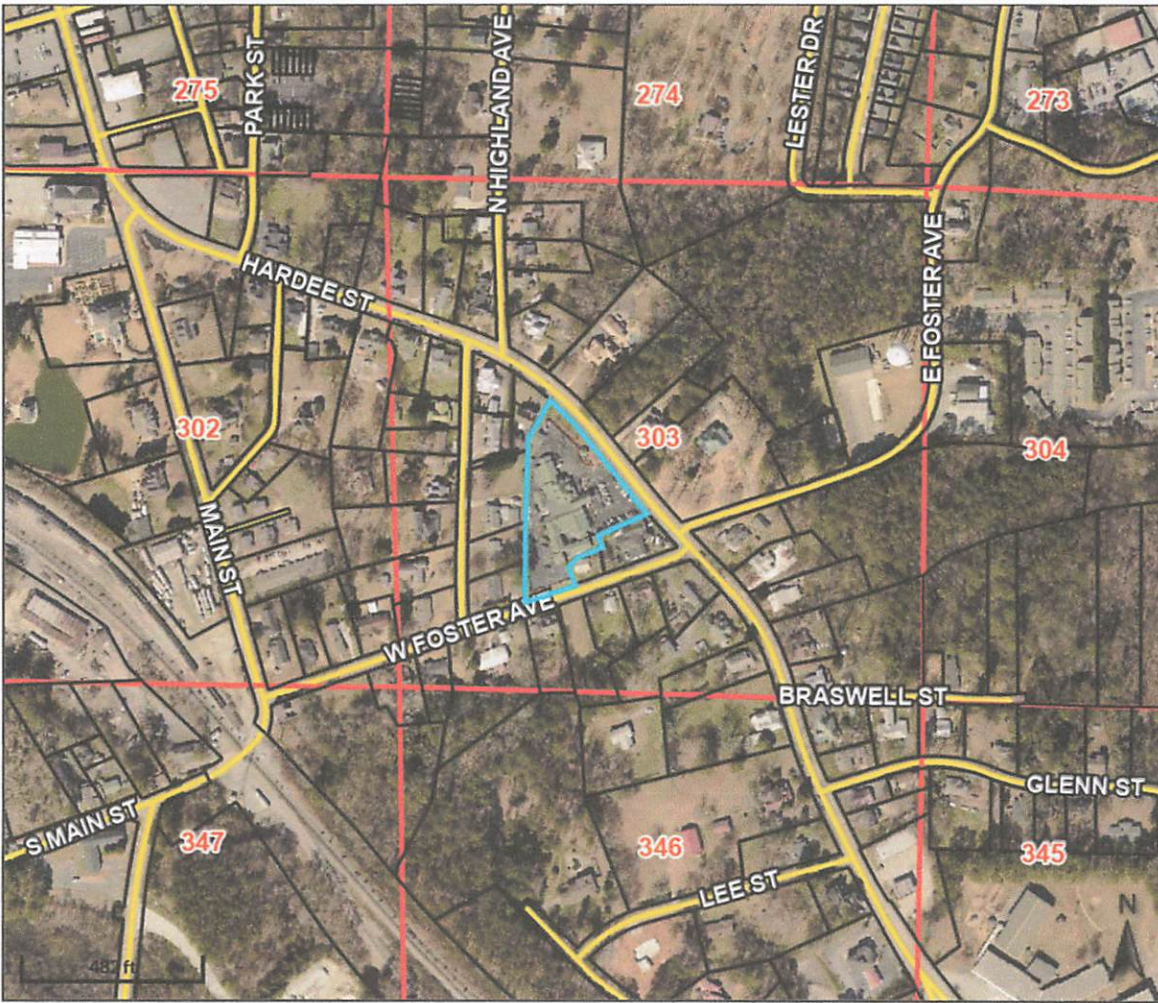
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**Overview**



**Legend**

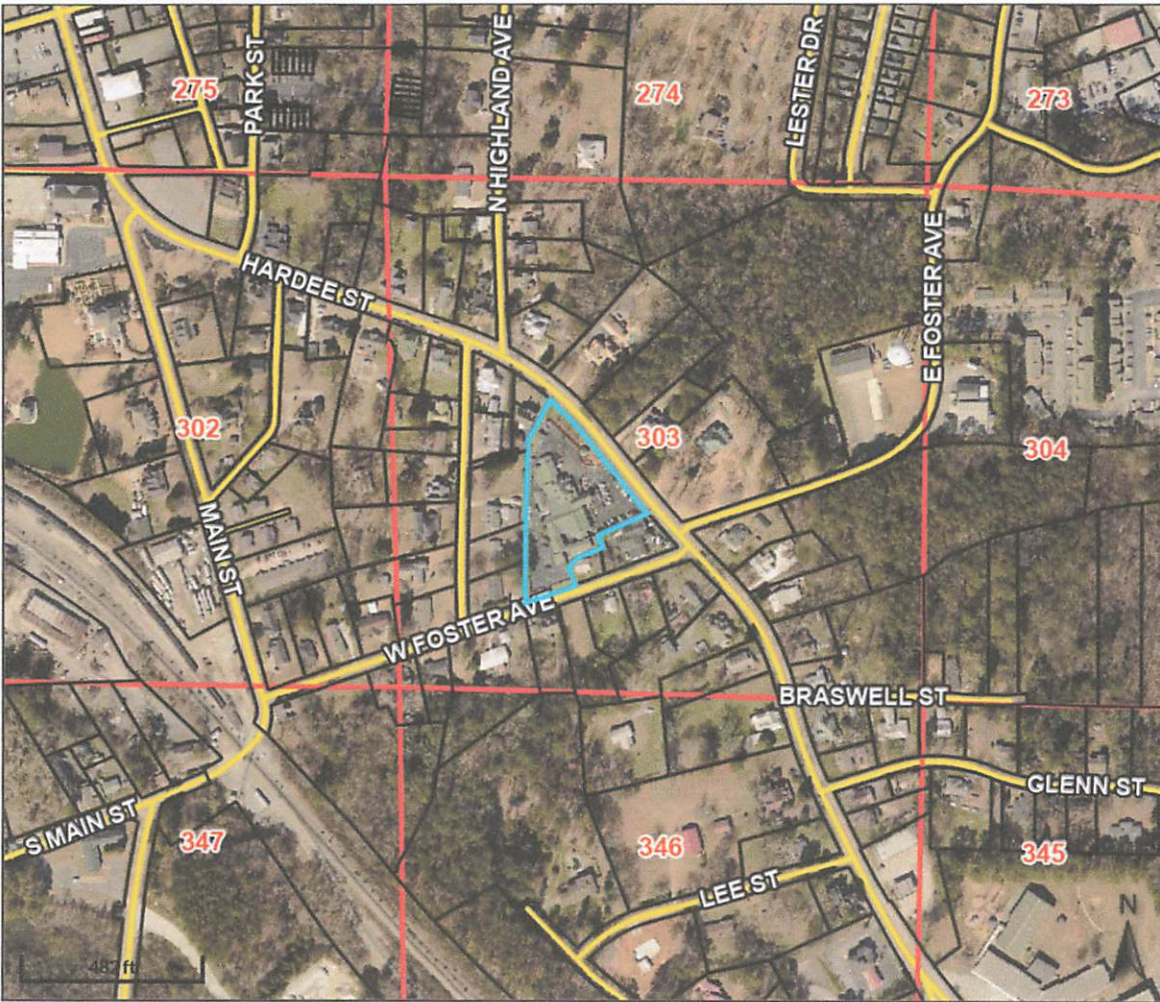
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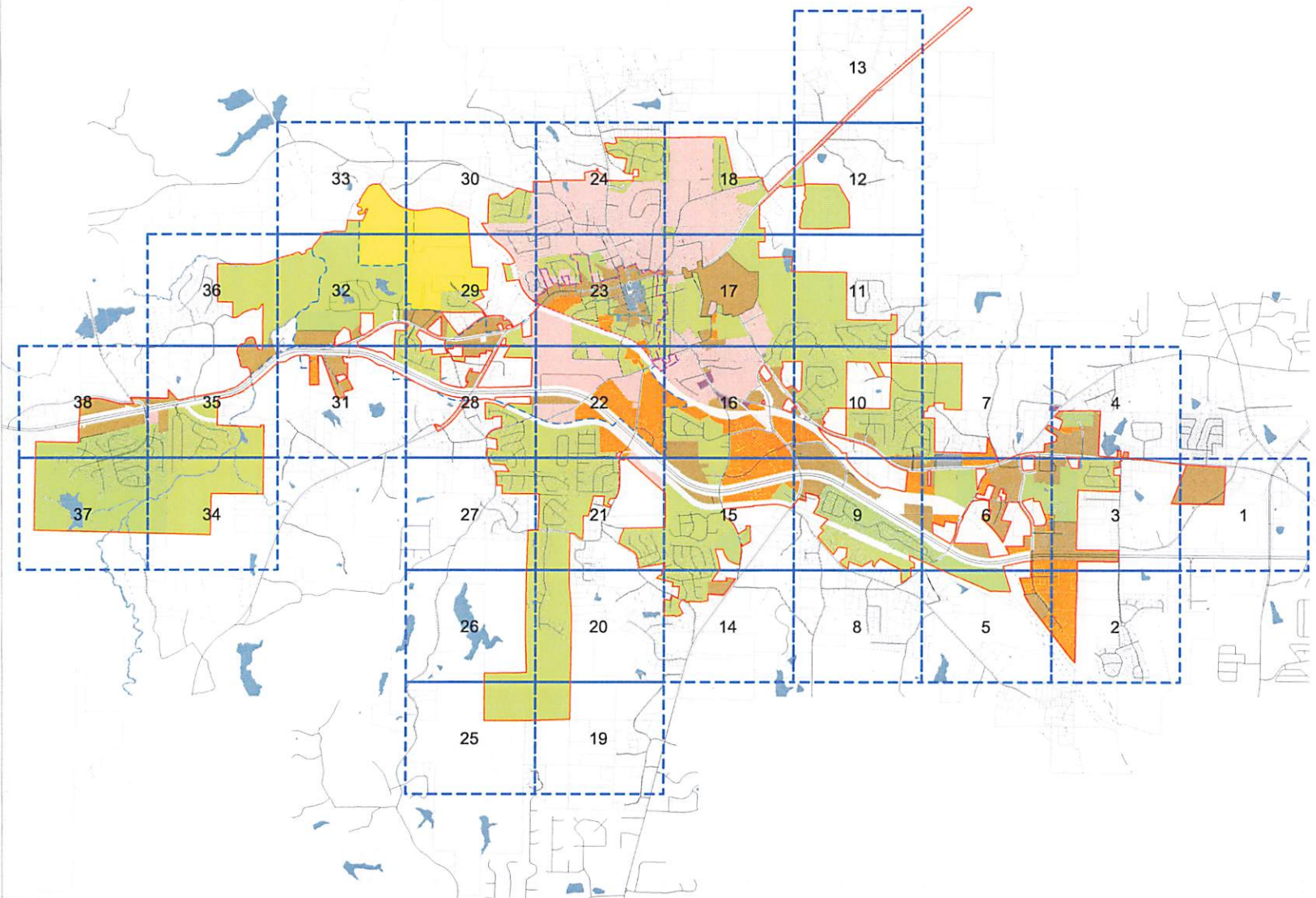
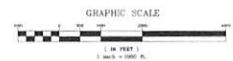
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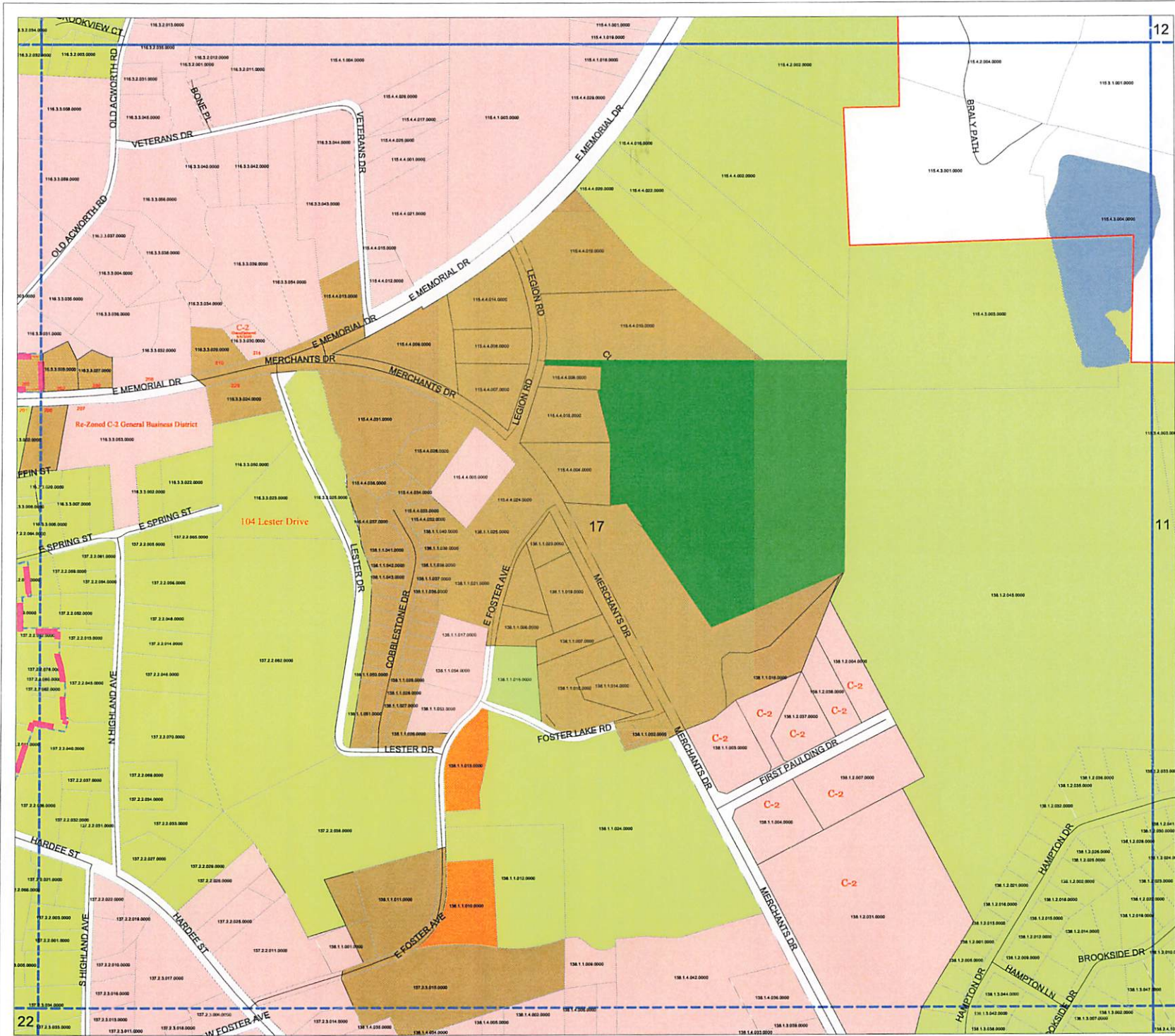


**Hayes James**  
ENGINEERS, PLANNERS & SURVEYORS

- LEGEND**
- C-1
  - C-2
  - C-N
  - G
  - D-1
  - H-1
  - R-1
  - R-2
  - R-3
  - NEW TOWN OVERLAY DISTRICT
  - DOWNTOWN SUB-DISTRICT
  - COMMERCIAL HISTORICAL DISTRICT
  - INDEX LINE
  - WATER FEATURES
  - STREETS
  - PARCEL
  - CITY BOUNDARY

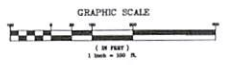


<b>CLIENT:</b> CITY OF DALLAS	
<b>REVISIONS:</b>	
NO.	BY APPROVED DATE
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<b>PROJECT TITLE:</b> CITY OF DALLAS MAPPING SERVICES	
<b>PROJECT NO.:</b>	08-0029-C
<b>DRAWN BY:</b>	WMP
<b>CHECKED BY:</b>	RWC
<b>DATE:</b>	9-10
<b>SHEET NUMBER: INDEX</b>	



**Hayes James**  
ENGINEERS, PLANNERS & SURVEYORS

- LEGEND**
- C-1
  - C-2
  - C-N
  - G
  - O-1
  - H-1
  - R-1
  - R-2
  - R-3
  - R-4
  - NEW TOWN OVERLAY DISTRICT
  - DOWNTOWN SUB-DISTRICT
  - COMMERCIAL HISTORICAL DISTRICT
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  - CITY BOUNDARY



CLIENT: CITY OF DALLAS			
REVISIONS:	NO.	BY	APPROVED DATE

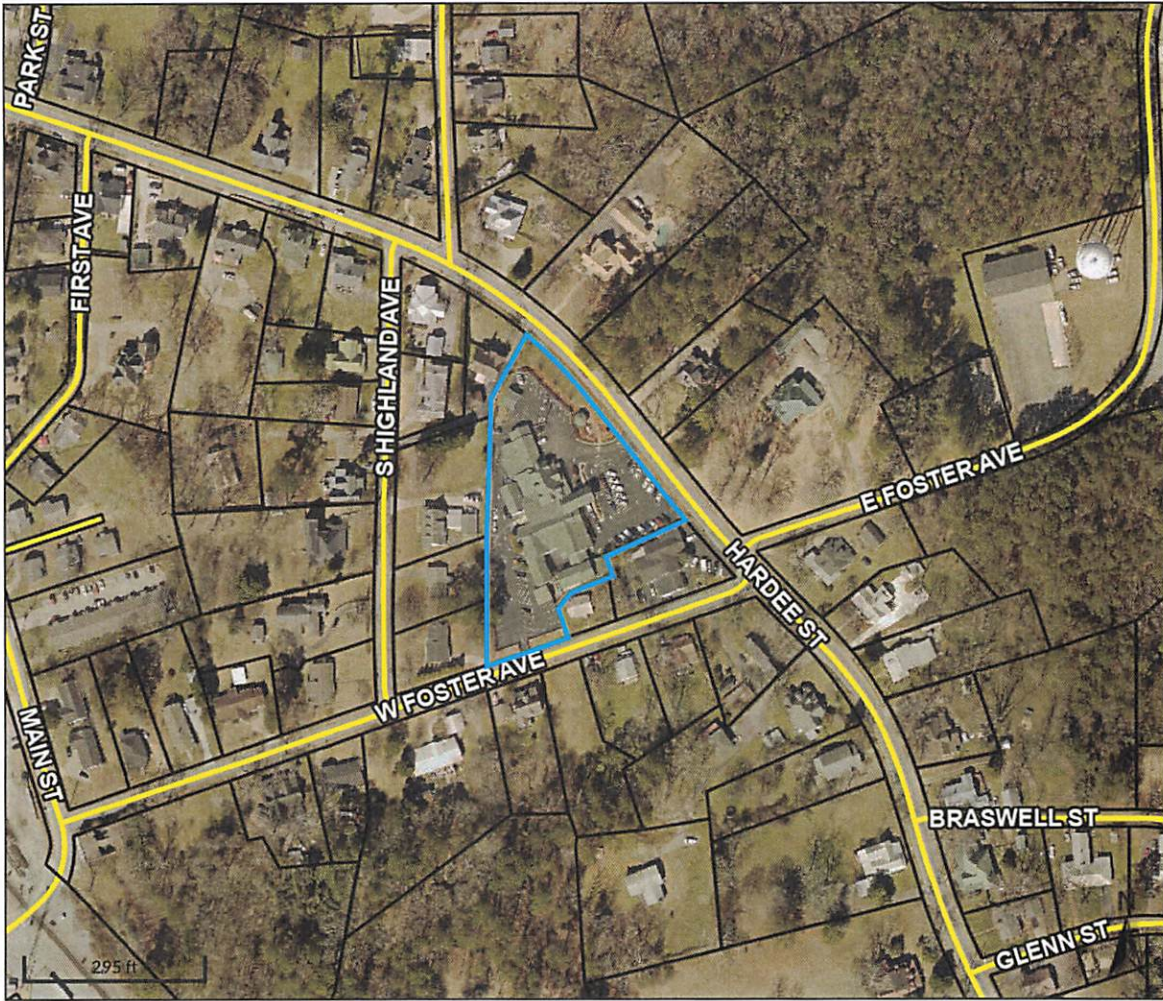
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PROJECT TITLE:  
CITY OF DALLAS MAPPING SERVICES

PROJECT NO.: 08-0239-C  
DRAWN BY: WMP  
CHECKED BY: KWC  
DATE: 9-10

SHEET NUMBER: INDEX 17





Overview



Legend

- Parcels
- Subdivision Names
- Roads

Parcel ID	137.2.3.017.0000	Alternate ID	1188	Owner Address	BENSON FUNERAL HOME INC	Last 2 Sales			
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District	DALLAS					1/26/2023	0	U	U
Brief Tax Description	n/a			Assessed Value	Value \$1,400,620				

(Note: Not to be used on legal documents)

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Date created: 3/19/2024

Last Data Uploaded: 3/18/2024 7:15:33 PM

Developed by Schneider  
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