

12-199-27-095

FOR OFFICE USE ONLY: DATE RECEIVED: 9/17/2021

ACTION BY THE GOVERNING AUTHORITY: APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPLICATION FOR AMENDMENT OF THE UNIFIED ZONING ORDINANCE/MAP

Dalton: [check] Varnell: \_\_\_\_\_ Whitfield Co: \_\_\_\_\_

Fee: \$200 Make check payable to: DALTON-WHITFIELD ZONING

Application is hereby made for amendment of the Unified Zoning Ordinance/Map, and if granted, the applicant agrees to conform to all laws, ordinances and resolutions regulating same.

Name of Applicant: David Mosteller Telephone: 706-463-1462
Mailing Address: 803 West Waugh St. Dalton, Ga. 30720
Email: david4melanie@gmail.com
Address of Property to be Rezoned: 803 West Waugh St.

Amendment to: Zoning Map \* Text Section \_\_\_\_\_

If an amendment to the Zoning Text, include on separate sheets the proposed amendment.

If an amendment to the Zoning Map, indicate the following:

Size of Property: 0.60 acres; 26,067 square feet

Existing Zone Classification: R2

Proposed Zone Classification: R3

Present Use of Property: residential

Proposed Use of Property: residential - subdivide for 2nd Dwelling FOR DAUGHTER

If multi-family, total number of units: \_\_\_\_\_ Average size of unit (optional): \_\_\_\_\_ square feet

Preliminary Site plan is required for Special Use and zoning districts of R-6, R-7, MU, and PUD

Include on separate sheets a legal description of the property and a map of the property showing:

- a) Actual dimensions of property
b) Location and type of existing structures
c) Zone and land use of surrounding property

I hereby certify that the above information is true and correct.

Signed: [Signature] Date: 9/17/2021

VERIFICATION

The undersigned is the/an owner of an interest in the lands described in the attached Application for Amendment of the Unified Zoning Ordinance/Map and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

(describe parcel or parcels of interest and percentage of interest)

owners 100%  
\_\_\_\_\_  
JOHN DAVID MOSTELLER III  
\_\_\_\_\_  
MELANIE MOSTELLER  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I appoint NA  
my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment set forth in the attached application.

  
\_\_\_\_\_  
Owner

Sworn to and subscribed  
before me, this \_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public

(SEAL)

**DISCLOSURE REPORT OF CAMPAIGN CONTRIBUTIONS AND GIFTS  
BY APPLICANT\*  
(Required by Title 36, Chapter 67A, O.C.G.A.)**

Date of Rezoning Application: 9-17-21

Has the applicant\* made, within two (2) years immediately preceding the filing date of this application, campaign contributions aggregating two hundred fifty dollars (\$250) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250) or more to a member or members of the Planning Commission or applicable governing authority who will consider this application?

(Yes or No)

If so, the applicant and the attorney or other person representing the applicant must file a disclosure report with the appropriate governing authority Board or Council within ten (10) days after this application is first filed. The following information will be considered as the required disclosure:

- 1) List the name and official position of the governing authority member or Planning Commission member; 2) the dollar amount and date of each applicable campaign contribution; and 3) an enumeration and description of each gift having a value of \$250 or more.

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this 17 day of September, 2021.

  
\_\_\_\_\_  
Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 76A shall be guilty of a misdemeanor.]

\* Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

1  
**DISCLOSURE REPORT OF PROPERTY/FINANCIAL INTEREST**  
2  
**BY APPLICANT**

(Required by Title 36, Chapter 67A, O.C.G.A.)

Date of Rezoning Application: 9-17-21

Does any member of the Planning Commission or applicable governing authority have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?

(yes or no) no

If so, describe the nature and extent of such interest:

Does any member of the Planning Commission or applicable governing authority have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten (10) percent or more) in a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

(yes or no) no

If so, describe the nature and extent of such interest:

1

If the answer to any of the above is "Yes," then the member of the Planning Commission or applicable governing authority must immediately disclose the nature and extent of such interest, in writing, to the applicable governing authority Board or Council. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

2

Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of the applicant for a rezoning action.

Does any member of the Planning Commission or applicable governing authority have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

(yes or no) no

If so, describe the relationship and the nature and extent of such interest:

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this 17<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosure as required by O.C.G.A. Chapter 36 - 67A shall be guilty of a misdemeanor.]

Deed Doc: WD  
Recorded 08/01/2019 04:36PM  
Georgia Transfer Tax Paid : \$245.00  
MELICA KENDRICK  
Clerk Superior Court, WHITFIELD County, Ga.  
Bk 06720 Pg 0651-0652

Plat 1002078

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AFTER RECORDING, RETURN TO:  
RICHARD W. ANDREWS  
SPONCLER & THARPE, LLC  
P. O. BOX 398  
DALTON, GA 30722-0398  
File No. 2019070674

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STATE OF GEORGIA,  
WHITFIELD COUNTY.

**WARRANTY DEED WITH RIGHT OF SURVIVORSHIP**

**THIS INDENTURE**, made the 31st day of July, 2019, between **EDWARD W. HUSKEY** (hereinafter, whether singly or more than one, the "Grantor"), and **JOHN DAVID MOSTELLER, III** and **MELANIE MOSTELLER** (hereinafter "Grantees").

**WITNESSETH:** That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof being hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantees as joint tenants with the right of survivorship, and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots Nos. 198 and 199 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lot No. 2, Block 6, of Cascade Heights Subdivision, as shown by plat of record in Plat Book 11, pages 86-90 (Plat Cabinet A, Slide 336), and described as follows: BEGINNING at a point on the southerly side of Waugh Street 139.41 feet westwardly along the southerly side of Waugh Street from the westernmost terminus of the radius formed by the rounding of the intersection of the southerly side of Waugh Street with the westerly side of High Street; thence south 24 degrees 32 minutes 55 seconds west 116 feet; thence north 74 degrees 22 minutes 10 seconds west 196.43 feet; thence north 29 degrees 49 minutes 58 seconds east 155.41 feet to the southerly side of

Waugh Street; thence in an easterly direction along the curvature of the southerly side of Waugh Street 180 feet to the point of beginning.

Subject to the Restrictions imposed upon Cascade Heights Subdivision by instrument of record in Deed Book 443, Page 249, Whitfield County Deed Records as amended by instrument of Record in Deed Book 626, Page 248, aforesaid records, as further amended by instrument of record in Deed Book 3015, pages 250-252, aforesaid records, and by instrument of record in Deed Book 3048, page 47, aforesaid records.

Subject also to the general and special covenants as contained in Deed from the City of Dalton to Martin Broome, dated June 8, 1983, and recorded in Deed Book 755, Page 115, aforesaid records.

**TOGETHER WITH** all and singular the hereinabove described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with the right of survivorship, and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

**AND THE SAID GRANTOR**, and the legal representatives, successors and assigns of the Grantor will **WARRANT** and **DEFEND** all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Grantees, as hereinabove provided, against all acts and deeds of the said Grantor, against all acts and deeds of the Grantor, and of every person lawfully claiming thereunder.

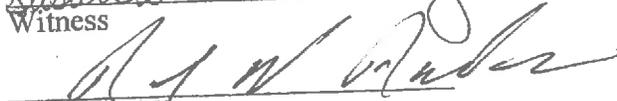
**SUBJECT, HOWEVER**, to all easements, rights-of-way, covenants and restrictions which may lawfully affect the above-described property.

**IN WITNESS WHEREOF**, the Grantor has signed, sealed and delivered this Deed on the day and year first above written.

 (SEAL)  
Edward W. Huskey

Signed, sealed and delivered  
in the presence of:

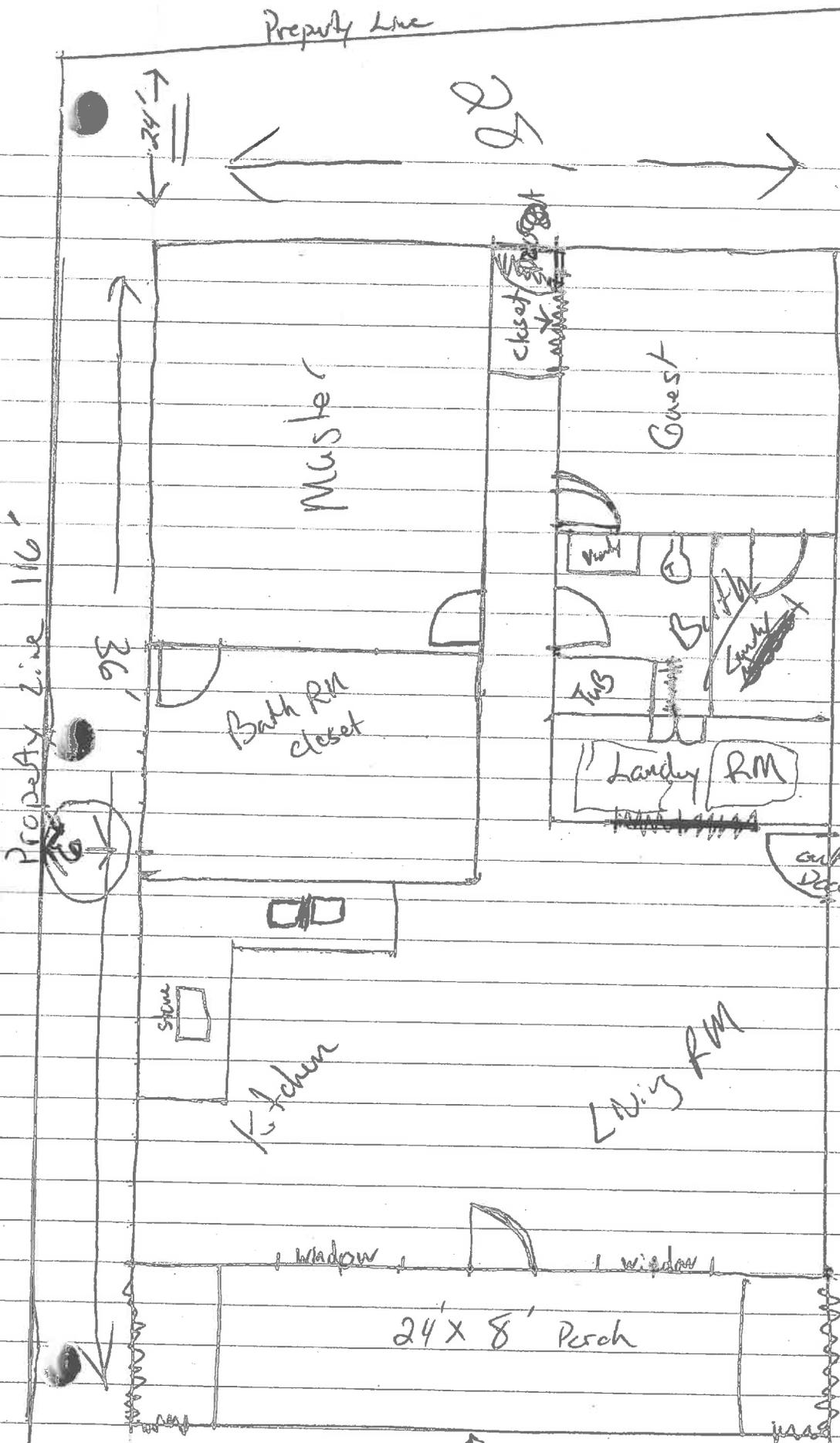
  
Witness

  
Notary Public









1008 sq ft = 28' x 36'

(House needs to be)

1200 sq ft so we will add 3' to the back so it will be