

INFORMATION SHEET FOR REZONING REQUESTS

Application # 215-08 DATE OF READING 10-6-15

REZONE FROM O-I TO R-1

PROPERTY OWNER William Peterson

LOCATION OF PROPERTY 2796 Hwy 41 So.

CATHOON

DESCRIPTION OF PROPERTY

1.53 ACRES

THIS REQUEST COMES TO THE BOARD OF COMMISSIONERS FROM  
THE PLANNING COMMISSION WITH THEIR RECOMMENDATIONS FOR:

- Approval

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
SEPTEMBER 14, 2015**

The Gordon County Planning Commission held a Public Hearing on Monday, September 14, 2015 at 6:00 p.m. in the Conference Room of the Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule	Eddie Smith
Jerry Lovelace	Nathan Serritt

Randy Rule called the meeting to order and advised all present of the sign-up sheets available for those who wish to address the Planning Commission on any of the zoning or variance change applications.

**APPROVAL OF MINUTES**

A motion was made by Jerry Lovelace to approve the minutes of the previous meeting of August 10, 2015. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z15-08, WILLIAM PETERSON**

Chairman Rule read rezoning application #Z15-08, William Peterson, requesting to rezone a 1.53 acre tract located at 2796 Highway 41 South, Calhoun from O-I to R-1. Mr. Peterson represented the request explaining that he had bought the property that was a former house as investment property but he was having a problem renting as an office and now he had someone that was ready to rent as a resident if he could receive the R-1 zoning. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z15-08 be approved and the Gordon County Future Land Use Map is amended.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z15-08 from O-I to R-1, and amend the Gordon County Future Land Use Map as recommended by Ursula Desrosier. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**Planning Staff Report  
To the  
Gordon County Planning Commission**

**Rezoning Proposal**

**Date of Report:** August 18, 2015

**Application #** Z15-08

**Applicant and Property Owner:** William Peterson

**Location of Property:** 2796 Hwy 41 South SE., Calhoun, GA 30701

**Property Frontage:** 223.00 Feet                      **Tract Size:** 1.53 acres

**Proposed Action:** Rezone from O-I, (Office Institutional) to R-1, (Low Density Residential)

**Reason for Proposed Action:** To use existing house as a dwelling.

**Future Development Map Classification:** Industrial

**Departmental Reviews**

It shall be understood that the following Departmental Review requirements, if any, shall be satisfied by the Applicant in addition to all standard County zoning, building, and development codes prior to the issuance of any land disturbance permit, building permit and/or certificate of occupancy, as deemed applicable by the County building official relating to the subject proposal if said proposal is approved by the Gordon County governing authority.

- \* *Environmental Health Services:* No Issues w/EH
- \* *Building Department:* No comment.
- \* *Fire Department:* O.K.
- *Gordon County School System:* N/A
- *Road Department or Georgia of Transportation:* Review sight distance for drive.
- *Water & Sewer (City of Calhoun):* This area is served by a 12" water line. No city sewer service in this area.
- *Zoning Division:* A Notice of Public Hearing has been properly advertised in the local newspaper, zoning application fees have been paid and Applicant has been advised to post a Notice of Public Hearing on the subject property.

**Planning Staff Findings & Recommendations**

The following standards from Section 10.03.0212.6 of the Gordon County Unified Land Development Code (ULDC), in addition to the Departmental Reviews above, have been considered in the findings and recommendations of the planning staff:

***1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.***

The adjacent and nearby properties are primary agricultural with residential uses.

***2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent of nearby property.***

The proposed zoning will not affect nearby properties due to an anticipated decrease in vehicular traffic due to the zoning change from office to residential.

***3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.***

The subject property cannot be further developed as currently zoned because it is less than the minimum required five (5) acre lot size requirements for A-1 zoning, and cannot be used for residential purposes as zoned.

***4. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.***

The proposed zoning will not generate additional traffic or impede traffic flow.

***5. Whether the zoning proposal is in conformity with the policy and intent of the Future Development Map and Comprehensive Plan.***

The subject property is classified as Industrial on the Gordon County Future Development Map. This classification supports land uses intended for light industrial and heavy industrial. The proposed zoning is inconsistent with the Future Development Map.

***6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved of the zoning proposal.***

Primary issue is inconsistency with the established development pattern with the Gordon County Future Land Use Plan but the current development of the area is all single family dwellings. The Future Land Use Map would need to be amended.

**Planning Staff's Recommendation:**

The rezoning request identified as Application #Z15-08 be approved and the Gordon County Future Land Use Map is amended.

*This report is a part of the official record of the subject application*

215-08

Recorded 07/06/2015 10:05  
Doc: WD Rcf#: 308815  
TRANSFER TAX: 59.00  
TRANSFER TAX ID: 0642015001103  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 1956 Pgs: 276-277

Return Recorded Document to:  
JOHN T. CORWIN, P.C.  
ATTN: KELLIE PEARSON  
414 EAST FIRST AVE  
Rome, GA 30161  
File #PETT0615

STATE OF GEORGIA  
COUNTY OF Floyd

**WARRANTY DEED**

This Indenture made this 1st day of July, 2015, between KATHY M. COMPTON, as party or parties of the first part, hereinafter called Grantor, and WILLIAM PETERSON, 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 TEN AND 00/100'S (\$10.00) 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, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

**SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF BY REFERENCE**

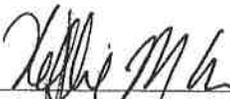
**This Deed is given subject to all easements and restrictions of record, if any.**

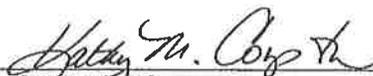
**TO HAVE AND TO HOLD** the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

**AND THE SAID** Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

**IN WITNESS WHEREOF,** Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Witness

 (Seal)  
\_\_\_\_\_  
KATHY MCOMPTON

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



Z15-08

File #PETT0615

EXHIBIT "A"

## TRACT ONE:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 177 of the 15th District and 3rd Section of Gordon County, Georgia, and being part of Lot 17 of B. N. Nation Subdivision being described as follows: BEGINNING at a point located 140 feet North of the Southwest corner of Lot 17 of the B. N. Nation Subdivision as shown by plat recorded at Plat Book 2, page 208, aforesaid records, and running thence North along U.S. Highway 41 a distance of 40 feet; thence running East a distance of 300 feet to the East line of said Lot 17; thence running South along said East line of Lot 17 a distance of 40 feet, this point being located 140 feet from the Southeast corner of Lot 17; thence running West parallel and 140 feet North of the South lot line of Lot 17 a distance of 300 feet to the POINT OF BEGINNING.

## TRACT TWO:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 177 of the 15th District and 3rd Section of Gordon County, Georgia, and being part of Lot 17 of B. N. Nation Subdivision being described as follows: BEGINNING at the Southwest corner of said Lot 17 of the B. N. Nation Subdivision as shown by a plat recorded at Plat Book 2, page 208, aforesaid records, and running thence North along U.S. Highway 41 a distance of 140 feet; thence East a distance of 300 feet to the East line of said Lot 17; thence South along said East line of Lot 17 a distance of 140 feet to the Southeast corner of Lot 17; thence along the South line of Lot 17 a distance of 300 feet to the POINT OF BEGINNING.

**DEPARTMENTAL REVIEW - FIRE DEPARTMENT**

Application # 215-08 Peterson O-I to R-1

Date: 8/25/15

Reviewed by: OK. per Joey Gordon

**FIRE DEPARTMENT**

**Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Fire Department services:**

OK.

Grant Waldrop

DEPARTMENT REVIEW - STATE DEPARTMENT OF  
TRANSPORTATION

Application # 215-08 Peterson O-I to R-1

Date: 8/18/15

Reviewed by: Danovan Tucker

State Department of Transportation

Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with State Department of Transportation:

Review sight distance for drive.

**DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH**

Application # 215-08 Peterson O-I to R-1

Date: 8/18/15

Reviewed by: Christy Blais

**Environmental Health**

**Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with Environmental Health:**

No issues w/ EH.

**DEPARTMENTAL REVIEW – CITY OF CALHOUN WATER AND SEWER**

Application # Z15-08 Peterson O-I to R-1

Date: 8/18/15

Reviewed by: \_\_\_\_\_

**CITY OF CALHOUN WATER AND SEWER**

**Comments, recommendation, or any condition of approval to serve proposed rezoning with Water services:**

12" water line

**Comments, recommendation, or any conditions of approval to serve proposed rezoning with sewer services:**

No city sewer.