

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-02 DATE OF READING 2/27/18

REZONE FROM A-1 TO R-1

APPLICANT Maegan Cunningham

OWNER _____

LOCATION OF PROPERTY Pinyan Rd.

Ranger GA

DESCRIPTION OF PROPERTY

1.11 ACRES

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

- Approval

STIPULATIONS:

**VARIANCE APPLICATION #V18-03 & REZONING APPLICATION #Z18-02,
MAEGAN CUNNINGHAM**

Chairman Rule read variance application #V18-03 and rezoning application #Z18-02, Maegan Cunningham, on property located on Pinyan Road, Ranger. Kevin Cunningham represented the request for his daughter explaining that she is requesting a variance on a 1.11 acre tract and to rezone same property from A-1 to R-1 to build a home. This is family owned property that was subdivided from larger tracts, .561 acres deeded from her grandmother and .549 acres deeded from her parents, so she does not qualify for the family ties division and to access this property she will have to use a 20 feet easement to the property. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V18-03 be approved, and that the rezoning request identified as Application #Z18-02 be approved.

On Variance Application #V18-03, Butch Layson made the motion to approve the variance as requested. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On Rezoning Application #Z18-02, Eddie Smith made the motion to approve the rezoning request from A-1 to R-1. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z18-04, PATRICIA CHERYL BLACKSTOCK

Chairman Rule read rezoning application #Z18-04, Patricia Cheryl Blackstock, requesting to rezone a 2.61 acre tract located at 260 Lance Road, Calhoun from A-1 to O-I. Terry Brumlow, a local attorney, represented the request explaining Mrs. Blackstock has established a 501 c(3) corporation as to preserve items onsite from our southern agricultural heritage and to start a museum. Mrs. Blackstock stated that she has been working on plans to operate a museum of this type since 2010. She presently it is open only by appointment so the traffic is minimal but the parking area will accommodate handicapped parking and as well as motor-home parking. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-04 be approved with the following conditions: 1-All applicable state and local regulations shall be complied with, including but not limited to Gordon County appearance standards for structures in office/institutional districts, landscaping and buffer requirements and sign requirements. 2-The property owner/developer will be required to comply with the Environmental Health and Fire Department requirements.

Cover Sheet
Proposal for Land Use Action

Application Number: 218-02 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: February 12, 2018

Date of Board of Commissioners' Meeting: February 27, 2018

Applicant: Maegan Cunningham

Property Owner: *(if different from applicant)* _____

Property Address: Pinyan Rd Ranger GA 30734

Said Property having a frontage of feet and containing 1.11 acres.

Future Development Map Classification: Hillside Conservation

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Rezone to Build Use. Family
owned property was subdivided from larger
tract's - 0.561 was deeded from my grand
mother and 0.549 from my parents.

Reason for Proposed Action: Would like to build a house
and do not qualify for Family Ties Division.
Acreage & road frontage.

Directions to Property: 53 east thru Fairmount - LEFT
on Pearl Johnson Rd - RT on Pinyan Rd. -
1st Drive on LEFT

Map 128-011

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

Rezoning Proposal

Date of Report: January 26, 2018

Application # Z18-02

Applicant and Property Owner: Maegan Cunningham

Location of Property: Pinyan Rd., Ranger, GA 30734

Property Frontage: 20 easement Feet **Tract Size:** 1.11 acres

Proposed Action: Rezone from A-1, Agricultural District to R-I, Low Density Residential.

Reasons for Proposed Action: Family owned property was subdivided from larger tracts -0.561 acre was deeded from my grandmother and 0.549 acre from my parents. Would like to build a house and do not qualify for the family ties division.

Future Development Map Classification: Hillside Conservation.

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 from Environmental Health.
- **Building Department:** N/A
- * **Fire Department:** No comments.
- * **Gordon County School System:** N/A
- * **Road Department:** Property owner or Builder will need to come to Public Works for any new entrances/driveways to be installed.
- * **Georgia Dept. of Transportation:** N/A
- * **Water & Sewer (City of Calhoun):** No city of Calhoun water service in this area may possibly have water service from Pickens County. No City 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.

Subject property surrounded by agricultural property basically used for residential purposes.

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

The proposed zoning will not adversely affect the existing use of usability of adjacent or nearby property.

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

The subject property exceeds the minimum lot size requirements for A-1 zoning and has the potential to be developed accordingly.

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 vehicular traffic and/or may impede on 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 Hillside Conservation on the Gordon County Future Development Map. The primary land uses are Undeveloped areas left in their natural state, Passive recreation, Low-intensity single-family residential and Forestry/Agricultural.

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.

The proposed zoning is in compliance with the Future Land Use Map.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-02 is recommended for approval.

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

1. River Corridor Floodplain Preserve (con't.)

Implementation Strategies (con't.)

- Adopt Georgia Stormwater Management Manual and enforce stormwater BMPs to enhance waterway protection
- Adopt specific cross sections for roads that cross these areas
- Promote these areas as passive-use tourism and recreation destinations
- Encourage use of Agricultural Best Management Practices for Protecting Water Quality
- Continue to enforce existing "Part V" Environmental Ordinances (for river corridor and watershed protection)
- Promote the use of conservation easements and conservation tax credits by landowners

2. Hillside Conservation

This area includes the steep slopes that comprise much of western and eastern Gordon County, including over 8,000 acres of Chattahoochee National Forest and a portion of the Talking Rock Wildlife Management Area (WMA). The northeastern portion of the County, adjacent to the WMA, has developed into a popular second home/vacation destination. Its views and proximity to Carter's Lake make it a desirable location for new homes, however this development has the potential to harm the area's natural resources. Concerns include the water quality of nearby creeks, rivers and lakes due to erosion and the loss of trees. The Hillside Conservation character area is intended to maintain the areas' steep slopes, which provide views and tree cover that contribute to the County's unique character, while accommodating low-density residential development with minimal impact on the environment.



A birds-eye view in northeast Gordon County



Hillside development can cause soil erosion and loss of trees

Development Pattern

The development pattern should seek to:

- Protect water quality with appropriate soil erosion and control measures
- Incorporate adequate infrastructure for accessibility and for water and fire protection needs
- Protect existing trees
- Protect scenic views
- Preserve rural character and viewsheds
- Conserve natural features and resources
- Limit impacts of new development on the environment
- Reduce impervious cover
- Utilize natural features for stormwater management
- Encourage low-intensity uses

Primary Land Uses

- Undeveloped areas left in their natural state
- Passive recreation
- Low-intensity single-family residential
- Forestry/Agricultural



2. Hillside Conservation (con't.)

Quality Community Objectives

- Open Space Preservation
- Environmental Protection
- Sense of Place

Implementation Strategies

- Adopt a Hillside Development Ordinance
- Adopt a Tree Protection Ordinance
- Continue to enforce existing BMPs for stormwater and soil and erosion control

3. Historic Resource Protection

The Historic Resource Protection character area contains two significant historic resources: the Resaca Battlefield area and New Echota State Historic Site. The Resaca Battlefield area includes large tracts of privately-owned property where Civil War trenches are still visible, 500+ acres of state-owned property, the state-owned Resaca Confederate Cemetery, the County-owned Fort Wayne Civil War Historic Site, Lay's Ferry south of the Town of Resaca and Rome Crossroads near Coosa Valley Tech in Calhoun. The New Echota State Historic Site, the location of the early 19th century capital of the Cherokee Nation, is approximately 2,000 acres and is listed on the National Register of Historic Places. Trimble House, located just north of the Gordon County/Bartow County line, is also included. The Historic Resource Protection character area includes these sites as well as surrounding areas that have the potential to develop in ways that would negatively impact these important historic resources.

Development Pattern

The development pattern should seek to:

- Buffer the historic sites from encroaching development
- Protect "gateways", including I-75 interchanges, from incompatible and unattractive development that detracts from the historic nature and rural character of the area
- Encourage building/site design and scale that is compatible with the surrounding historic environment
- Preserve the integrity of historic sites
- Widen and extend roadways (as well as other utilities) into these areas only when absolutely necessary and based on acceptable environmental and fiscal impacts and planned uses
- Accommodate new residential development in the form of large-lot residential uses set back far from the street and screened by trees, if possible, or in the form of conservation subdivisions that maximize open space and existing vegetation
- Encourage low-impact uses
- Protect viewsheds
- Limit clearing and grading

Primary Land Uses

- Undeveloped areas and passive parks
- Agricultural
- Low-intensity single-family residential



The New Echota Cemetery is located on private property, outside of the larger state-owned site



Recorded 01/08/2018 2:45
Doc: QCD Rcpt#: 322479
TRANSFER TAX ID: 064000031
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2114 Pg: 456

After recording return to:
1531 Pinyan Road
Ranger, GA 30734

STATE OF GEORGIA
COUNTY OF GORDON

QUIT CLAIM DEED

THIS INDENTURE, made this 8 day of January 2018, between **RHONDA CUNNINGHAM** (hereinafter referred to as "Grantor") and **MAEGAN CUNNINGHAM** (hereinafter referred to as "Grantee").

Wherever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter and said terms include and bind the heirs, executors, administrators, successors and assign of the parties hereto.

WITNESSETH

GRANTOR, for and in consideration of One Dollar (\$1.00) AND VALUABLE CONSIDERATION received at and before the sealing and delivery of these presents the receipt of which is hereby acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM unto GRANTEE the following described property : **All of that tract or parcel of land lying and being in the Twenty Third District and Second Section of Gordon County, Georgia and being a part of Land Lot Number eight thereof and being more particularly described as Tract A containing 0.549 acres and Tract B containing 0.561 acres on a plat entitled Family Ties Subdivision Prepared For Maegan Elizabeth Cunningham dated December 27, 2017 by Glass and Associates Land Surveyors P.C.. A copy of said Plat is recorded in the Office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book _____ at page _____. Said Plat and the description of Tract A and Tract B described therein is incorporated by reference in this Quitclaim Deed as if specifically stated herein for a full and complete description of the land conveyed herein. This is a deed only and no title examination has been performed.**

TO HAVE AND TO HOLD the said tract or parcel of land to GRANTEE so that neither the Grantor nor its heirs, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid tract or parcel of land or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, GRANTOR has hereunto set its hands and seals the day and year above written.

Signed, sealed and delivered this 8 day of January, 2018 in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public & Seal Commission Expires: 7/5/20

[Signature]
Grantor: **RHONDA CUNNINGHAM**



Recorded 01/08/2018 2:45
Doc: QCD Rcpt#: 322479
TRANSFER TAX ID: 064000032
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2114 Pg: 457

After recording return to:
1531 Pinyan Road
Ranger, GA 30734

STATE OF GEORGIA
COUNTY OF GORDON

QUIT CLAIM DEED

THIS INDENTURE, made this 8 day of January 2018, between **VIRGIL DEAN WILSON** (hereinafter referred to as "Grantor") and **RHONDA CUNNINGHAM** (hereinafter referred to as "Grantee").

Wherever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter and said terms include and bind the heirs, executors, administrators, successors and assign of the parties hereto.

WITNESSETH

GRANTOR, for and in consideration of One Dollar (\$1.00) AND VALUABLE CONSIDERATION received at and before the sealing and delivery of these presents the receipt of which is hereby acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM unto GRANTEE the following described property : **All of that tract or parcel of land lying and being in the Twenty Third District and Second Section of Gordon County, Georgia and being a part of Land Lot Number eight thereof and being more particularly described as Tract A containing 0.549 acres on a plat entitled Family Ties Subdivision Prepared For Maegan Elizabeth Cunningham dated December 27, 2017 by Glass and Associates Land Surveyors P.C.. A copy of said Plat is recorded in the Office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book _____ at page _____. Said Plat and the description of Tract A described therein is incorporated by reference in this Quitclaim Deed as if specifically stated herein for a full and complete description of the land conveyed herein.**

TO HAVE AND TO HOLD the said tract or parcel of land to GRANTEE so that neither the Grantor nor its heirs, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid tract or parcel of land or appurtenances, or any rights thereof.

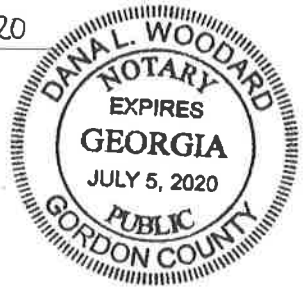
IN WITNESS WHEREOF, GRANTOR has hereunto set its hands and seals the day and year above written.

Signed, sealed and delivered this 8 day of January, 2018 in the presence of :

[Signature]
Unofficial Witness
[Signature]

[Signature: Virgil D. Wilson]
Grantor: **Virgil Dean Wilson**

Notary Public & Seal
My Commission expires: 7/5/20



Recorded 01/08/2018 2:45
Doc: QCD Rcpt#: 322479
TRANSFER TAX ID: 064000033
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2114 Pg: 458

After recording return to:
1531 Pinyan Road
Ranger, GA 30734

STATE OF GEORGIA
COUNTY OF GORDON

QUIT CLAIM DEED

THIS INDENTURE, made this 8 day of January 2018, between **FAYE WILSON** (hereinafter referred to as "Grantor") and **RHONDA CUNNINGHAM** (hereinafter referred to as "Grantee").

Wherever there is a reference herein to the Grantor or the Grantee, the singular includes the plural and the masculine includes the feminine and the neuter and said terms include and bind the heirs, executors, administrators, successors and assign of the parties hereto.

WITNESSETH

GRANTOR, for and in consideration of One Dollar (\$1.00) AND VALUABLE CONSIDERATION received at and before the sealing and delivery of these presents the receipt of which is hereby acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUIT-CLAIM unto GRANTEE the following described property : **All of that tract or parcel of land lying and being in the Twenty Third District and Second Section of Gordon County, Georgia and being a part of Land Lot Number eight thereof and being more particularly described as Tract B containing 0.561 acres on a plat entitled Family Ties Subdivision Prepared For Maegan Elizabeth Cunningham dated December 27, 2017 by Glass and Associates Land Surveyors P.C.. A copy of said Plat is recorded in the Office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book _____ at page _____. Said Plat and the description of Tract B described therein is incorporated by reference in this Quitclaim Deed as if specifically stated herein for a full and complete description of the land conveyed herein.**

TO HAVE AND TO HOLD the said tract or parcel of land to GRANTEE so that neither the Grantor nor its heirs, nor any other person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid tract or parcel of land or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, GRANTOR has hereunto set its hands and seals the day and year above written.

Signed, sealed and delivered this 8 day of January, 2018 in the presence of :

[Signature]
Unofficial Witness
[Signature]

[Signature]
Grantor: **FAYE WILSON**

Notary Public & Seal
My Commission expires: 7/5/20



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-02
APPLICATION NAME Maegan Cunningham
TYPE OF ZONING: A-1 to R-1
DATE: 1/29/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

No city of Calhoun water service in this area. May possibly have water service from Pickens County.

SEWER COMMENTS:

No City sewer service in this area.

THE INFORMATION IN THIS REPORT WAS OBTAINED USING MAPS AND RECORDS THAT MAY NOT BE ENTIRELY ACCURATE. THIS INFORMATION CANNOT BE CONSIDERED ACCURATE UNTIL A FEILD SURVEY HAS BEEN COMPLETED.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 218-02 V18-03 Cunningham A1 to R-1
Variance

Date: 1-30-18

Reviewed by: Steve

ROAD DEPARTMENT

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

IF Driveways are to be installed
Property Owner will need to come by
Public works for Permit.

Steve Paris

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # Z18-02 V18-03 Cunningham A-1 to R-1
Variance

Date: 1-25-18

Reviewed by: DJP

FIRE DEPARTMENT

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

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 218-02 V18-03 Cunningham A-1 to R-1
Variance
Date: 1/23/18
Reviewed by: Christy Blair

Environmental Health

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

No issues w/ EH