

INFORMATION SHEET FOR REZONING REQUESTS

APPLICATION # Z 12 - 01

DATE OF READING 6-5-12

REZONE FROM A-1 TO RA-1

PROPERTY OWNER: Bobbie Fain

LOCATION OF PROPERTY: Hwy 225 - Chatsworth Hwy
Calhoun

DESCRIPTION OF PROPERTY:

4.846 ACRES

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

1. No Recommendation given due to
change of meeting time of the Planning
Commission meeting, there was a concern
that the Applicant didn't know of the time change
Since the Applicant did not attend the meeting

STIPULATIONS: _____

GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
MAY 14, 2012

The Gordon County Planning Commission held a Public Hearing on Monday, May 14, 2012 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:

Brant Talley
Randy Rule

Ron Free

Chairman Talley 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 Ron Free to approve the minutes of the previous meeting of April 9, 2012. Randy Rule seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z12-01, BOBBIE FAIN (Tabled from April 9, 2012)

Chairman Talley read rezoning application #Z12-01, Bobbie Fain requesting to rezone 4.846 acres located on Highway 225/Chatsworth Hwy., Calhoun, GA from A-1 to RA-1. The property is located on Highway 225 on left just past 2518 Highway 225. Rebecca Brown, a local realtor, represented the application stating that the reason they were asking for the rezoning was because they had a possible buyer earlier and that the owner, Bobbie Fain, felt it would be best to go ahead and acquire the correct zoning for the next interested party. Chairman Talley allowed the concerns from the previous meeting of adjoining property owners, Dottie and Ken Crawford, to be read for the record. The Crawford's feared that whoever bought this property may put a mobile home on the property which would decrease the value of their home. All adjoining property owners had been notified.

Planning Staff for Gordon County recommends that the rezoning request identified as Application #Z12-01 be approved.

Ron Free made the motion to send the zoning request to the Board of Commissioners without a recommendation because of the possible confusion to the time change of the meeting and that the Crawford's might be planning on attending at 7:00 p.m. Randy Rule seconded the motion. All voted aye. The zoning request #Z12-01 requesting to rezone from A-1 to RA-1 was sent to the Board of Commissioners without a recommendation.

GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
APRIL 9, 2012

The Gordon County Planning Commission held a Public Hearing on Monday, April 9, 2012 at 7:00 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:

Brant Talley	Ricky Smith
Brad Rains	Randy Rule
Ron Free	

Chairman Talley 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 Brad Rains to approve the minutes of the previous meeting of November 14, 2011. Ricky Smith seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z12-01, BOBBIE FAIN

Chairman Talley read rezoning application #Z12-01, Bobbie Fain requesting to rezone 4.846 acres located on Highway 225/Chatsworth Hwy., Calhoun, GA from A-1 to RA-1. The property is located on Highway 225 on left just past 2518 Highway 225. The applicant or the realtor was not present to represent the application. Chairman Talley allowed the adjoining property owners, Dottie and Ken Crawford to speak with their concerns. The Crawford's feared that whoever bought this property may put a mobile home on the property which would decrease the value of their home. With the application not having someone present, Randy Rule made the motion to table the request until the May 14th, 2012 planning commission meeting. Ron Free seconded the motion. Ricky Smith and Brad Rains voted against the motion. Chairman Talley voted with the motion. The rezoning application #Z12-01 was tabled with a 3-2 vote.

ADDITIONAL BUSINESS

Ursula Desrosier, Zoning Administrator, announced that the subject on the chicken coops would be delayed for several months. The subject of meeting times was discussed. Ricky Smith made the motion to change the future meeting time up to 6 p.m. Randy Rule seconded the motion. All voted aye. Future meetings will be advertised and held at 6 p.m. on the second Monday of each month in the Conference Room of the Gordon County Administration Building.

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

Rezoning Proposal

Date of Report: March 22, 2012 **Application #** Z12-01

Applicant and Property Owner: Bobbie Fain

Location of Property: 0 Hwy 225 Chatsworth Hwy, Calhoun GA 30701

Property Frontage: 227.73 **Feet** **Tract Size:** 4.846

Proposed Action: Rezone from A-1 (Agricultural District) to RA-1 (Residential Agricultural District)

Reason for Proposed Action: The applicant is part of a family division and would like to sell her portion. Have a potential purchaser.

Future Development Map Classification: Rural/Agricultural Reserve

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 EHS w/this rezoning.
- **Fire Department:** No issues.
- **Gordon County School System:** N/A
- **Road Department or Georgia Department of Transportation:** If this property is being rezoned to residential the applicant will need to contact the area office at 770-387-3680 to inquire about a residential drive at this location.
- **Water & Sewer (City of Calhoun):** This area is served by an 8" water line. No 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.

Application # Z12-01

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 proposed zoning, which requires a two acre minimum lot size, is consistent with the nearby land uses. Surrounding properties include residential uses on A-1 zoned properties that are generally less than five acres in size.

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

The proposed zoning is not anticipated to 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 cannot be further developed as currently zoned because it is less than the minimum required five acre lot size for A- zoned properties.

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 is not anticipated to cause an excessive or burdensome use of existing public infrastructure or facilities.

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 Rural/Agricultural on the Gordon County Future Development Map. This classification supports low-intensity single family residential development and agricultural uses. The proposed zoning district is intended to preserve agricultural and large-lot residential uses character of land with the Future Development Map and Comprehensive Plan.

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 primary issue is the Applicant's need to comply with the State Department of Transportation requirements (see "Departmental Reviews") should the rezoning request be approved

Planning Staff's Recommendation:

The rezoning request identified as Application #Z12-01 be approved.

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

FILED & RECORDED
TIME: 2:00
DATE: 11-21-02
BOOK 899 PAGE 319-320
LEWIS COUCH, C.S.C.
GORDON COUNTY, GA.

Return to:
Tom E. Shanahan
112 Court Street
Calhoun, GA 30701

I 2002-11632
GORDON COUNTY GEORGIA
REAL ESTATE TRANSFER TAX
11/21/02
LEWIS COUCH, CLERK OF SUPERIOR COURT

DEED OF ASSENT

GEORGIA, GORDON COUNTY

THIS INDENTURE made and entered into this the 20 day of NOVEMBER, 2002, between JANICE G. WALRAVEN AND BOBBIE J. FAIN, Individually and as Co-Executrices under the Last Will and Testament of ORA BELLE FREEMAN, aka MRS. B. W. FREEMAN, DECEASED, SANDRA ANN TROGLIN, MICHAEL LYNN FREEMAN, and JAMES RICKY FREEMAN, as party or parties of the first part, hereinafter referred to as "Grantor", and BOBBIE J. FAIN, individually, of said State and County, as party or parties of the second part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural);

WITNESSETH, that Grantor, by virtue of the power and authority vested in them by said Will, which has been duly probated in solemn form and admitted to record in the Probate Court of said State and County, and in compliance with Item II of said Will, has granted, bargained, sold and conveyed, and hereby does grant, bargain, sell and convey unto Grantee, his heirs and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 54 of the 14th District and 3rd Section of Gordon County, Georgia, being 4.846 acres, and being more particularly described as Tract No. 1 according to a plat of survey entitled "Boundary Survey for the Estate of Orabelle Freeman" dated 9/9/02 prepared by Allen Dale Hall, GRLS No. 2609, of North Georgia Surveying, Calhoun, Georgia, a copy of said plat of survey being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 41, page 77, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

Being a portion of those lands conveyed to B. W. Freeman by virtue of deed dated 12-9-46 recorded in Deed Book 20, page 542, Gordon County, Georgia deed records.

TO HAVE AND TO HOLD the same, together with all the rights, members and appurtenances thereunto belonging or in any wise appertaining, to Grantee, to his own proper use, benefit and behoof, in as full, ample and complete a manner as the same was possessed or enjoyed by the said ORA BELLE FREEMAN, deceased, in her lifetime.

CONTINUED

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, the day and year first above written.

Janice G. Walraven (SEAL)
JANICE G. WALRAVEN, Individually and
As Co-Executrix Aforesaid

Bobbie J. Fain (SEAL)
BOBBIE J. FAIN, Individually and
As Executrix Aforesaid

Sandra Ann Troglin (SEAL)
SANDRA ANN TROGLIN

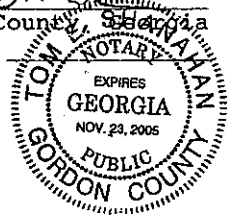
Michael Lynn Freeman (SEAL)
MICHAEL LYNN FREEMAN

James Ricky Freeman (SEAL)
JAMES RICKY FREEMAN

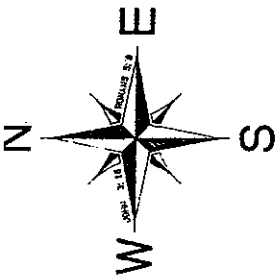
Signed, sealed and delivered
in the presence of:

Jane Young
Tom E. Shatt

N.P., Gordon County, Georgia
My Comm. Exp.



N.P. SEAL AFFIXED

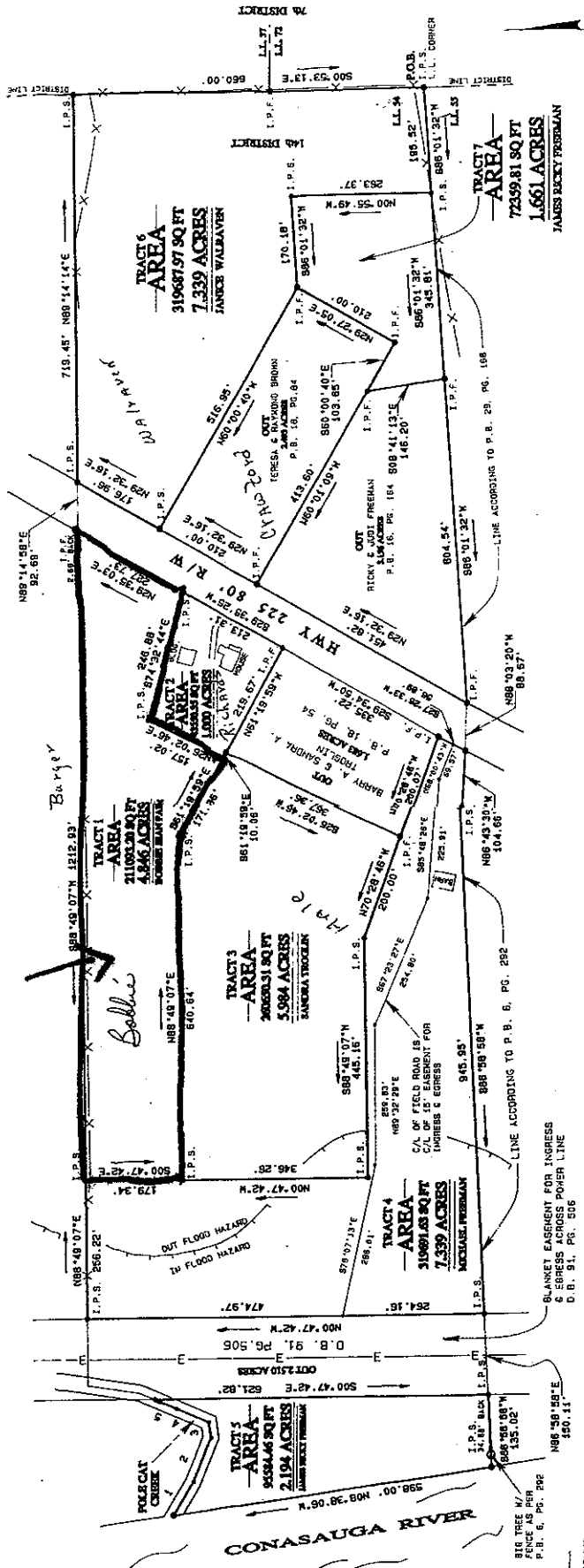
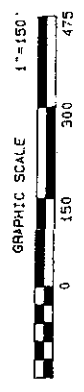
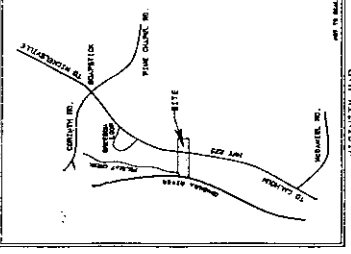


DATE: 9/9/2002

TOTAL: 30.563 ACRES SUBDIVIDED

**BOUNDARY SURVEY
FOR
THE ESTATE OF ORABELLE FREEMAN
GORDON County, Georgia**

LOCATED IN LAND LOT 54, 14th DISTRICT & 3rd SECTION OF GORDON COUNTY, GEORGIA



DATA ALONG C/L OF POLE CAT CREEK

STATION	DISTANCE	BEARING
1	73.62'	S60°10'05"E
2	68.53'	S68°35'11"E
3	29.33'	N81°16'42"E
4	65.75'	N22°52'53"E
5	43.94'	N22°35'31"E

NOTE
 L.P.S. = IRON PIN SET
 U.L.S. = IRON PIN SET
 R.W. = RIGHT-OF-WAY
 P.L. = PROPERTY LINE
 L.L. = LAND LOT LINE
 C.L. = CENTER LINE
 X = FENCE LINE
 ⊗ = CONC. B.W. MARKER

Allen Hale Hall
Allen Hale Hall

NOTE

Surrounding property is all zoned A-1