

INFORMATION SHEET FOR REZONING REQUESTS

Application # 214-04 DATE OF READING 6-24-14

REZONE FROM A-1 TO C-G

PROPERTY OWNER Kitty Leung

LOCATION OF PROPERTY 1331 Hwy 41 N. Calhoun

DESCRIPTION OF PROPERTY

.36 ACRES

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

1. Approval

STIPULATIONS:

With the stipulation that Ms. Leung bring the  
proof of notifying the adjoining property owners.

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
JUNE 9, 2014**

The Gordon County Planning Commission held a Public Hearing on Monday, June 9, 2014 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:

Brad Rains	Ron Free
Randy Rule	Butch Layson
Jerry Lovelace	

Chairman Rains 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 May 12, 2014. Randy Rule seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V14-04 & REZONING APPLICATION #Z14-04,  
KITTY LEUNG**

Chairman Rains read variance application #V14-04 and rezoning application #Z14-04, Kitty Leung, requesting a variance to reduce required county lot size and required buffer strip and the rezoning from A-1 to C-G on .36 acres located at 1331 Hwy. 41 North, Calhoun. Ms. Leung represented the requests explaining that the existing structure was built in 1988, 8 feet from the back property line and 6 feet to the side property line and she has a potential renter that wants to start a small equipment repair shop in this structure so she needs the variance and the rezoning to bring this structure into Gordon County commercial requirements. Ms. Leung had failed to bring the receipts as proof of having notified the adjoining property owners, but stated she would bring them in to the Zoning Administrator, Ursula Desrosier, on Tuesday, June 10, 2014 if that would be acceptable.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V14-04 and rezoning request identified as Application #Z14-04 be approved as requested, to reduce the commercial requirements with existing septic systems, from 1 acre to .36 acres and reduce the required buffer strip and to rezone from A-1 to C-G, with the stipulation that Ms. Leung bring in to her the proof that she had notified the adjoining property owners.

Ron Free made the motion to approve both the variance application identified as #V14-04 as requested and the rezoning application identified as #Z14-04 from A-1 to C-G, with the stipulation that Ms. Leung bring the proof of notifying the adjoining property owners into Ms. Desrosier. Jerry Lovelace seconded the motion. All voted aye. The variance application #V14-04 was granted with the stipulation. The thirty- (30) day appeal period was explained. The recommendation for approval of rezoning application #Z14-04 was sent to the Board of Commissioners with the stipulation. (Note: Ms. Leung did bring in the property owners notifications to Ursula Desrosier, Zoning Administrator.)

**REZONING APPLICATION #Z14-05, TAMMY BURCHETT**

Chairman Rains read rezoning application #Z14-05, Tammy Burchett, requesting to rezone a 1.156 acre tract located at 3433 Rome Road, Plainville from A-1 to C-G. Ms. Burchett along with her business partner, Jerry Stroup, represented the request stating that she and Mr. Stroup presently owned Opi's Roadhouse which is located on Highway 53 just inside of Floyd County and they would like to relocate the business to Gordon County and subdivide off from Ms. Burchett's property to build a 3500 square foot structure for the restaurant with a bar. They addressed the issues of the septic system stating that the study indicated that another .50 acres might be needed to install the septic system for a commercial rezoning, the D.O.T. requirements, parking, lighting, hours of operations, as well as the building that would be constructed. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z14-05 be approved, with the following condition that all state and local regulations shall be complied with, including but not limited to Gordon County appearance standards for structures in commercial zoning districts, landscaping and buffer requirements, and sign requirements.

Randy Rule made the motion to approve the rezoning request identified as Application #Z14-05 from A-1 to C-G with the conditions stated by Ms. Desrosier, Zoning Administrator and the amendment of .50 acres more or less if needed to install the proper septic system. Ron Free seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z14-06, NEIL BISHOP**  
**(Applicant: Stephen P. Williams)**

Chairman Rains read rezoning application #Z14-06, Neil Bishop (applicant: Stephen P. Williams), requesting to rezone a 2.38 acre tract located at 878 Covington Bridge Road, Fairmount from A-1 to C-H. Stephen Williams represented the request stating that he had started operating a cabinet shop at this location in 1996 but in 2005 when the economy took a dive he only worked from his shop in Summerville, therefore letting the business license lapse. In 2008, Mr. John Arthur started using the shop as a location to work on farm equipment. The property is owned by Mr. Neil Bishop, who has a lease/purchase agreement with Mr. Williams. The Gordon County Ordinance Officer had requested that Mr. Arthur obtain a county business license even though the majority of the repair work is done at other sites when farm equipment needs repaired.

**Cover Sheet**  
**Proposal for Land Use Action**

Application Number: 21404 Present Zoning: A-1 Proposed Zoning: C-G

Date of Planning Commission Meeting: June 9, 2014

Date of Board of Commissioners' Meeting: June 17, 2014

Applicant: Kitty Leung

Property Owner: (if different from applicant) \_\_\_\_\_

Property Address: 1331 Hwy 41 N.

Said Property having a frontage of \_\_\_\_\_ feet and containing 0.36 acres.

Future Development Map Classification: Hwy 41 North Corridor

Current Zoning Map Classification: A-1 Agricultural Dist.

Proposed Action: A-1 to C-G

Reason for Proposed Action: Would like to start a small equipment repair shop in the existing structure.

Directions to Property: Hwy 41N past Hwy 225, over bridge, corner lot of North Dr & Hwy 41N on right.

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

**Date of Report:** May 21, 2014

**Application #** Z14-04

**Applicant and Property Owner:** Kitty Leung

**Location of Property:** 1331 Hwy 41 North, Calhoun GA

**Property Frontage:** corner lot Feet      **Tract Size:** 0.36 acre

**Proposed Action:** Rezone from A-1 (Agricultural) to C-G, (General Commercial)

**Reason for Proposed Action:** To rezone property to bring into compliance with the U.L.D.C. to be able to start a small equipment repair shop (lawnmowers) in the existing structure.

**Future Development Map Classification:** Hwy 41 Corridor

**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:*** This lot was evaluated on May 23, 2014. Septic system appears to be functioning properly. Reduction of commercial buffer should not affect existing septic system as long as new utilities such as power and water are not routed across front of property. Also, due to the small size of this lot, no additional structures can be added in the future.
- \* ***Building Department:*** Modifications or renovations to the building may require permits depending on the work involved.
- \* ***Fire Department:*** OK
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** Contact District Traffic Operations for commercial drive permit.
- ***Water & Sewer (City of Calhoun):*** This property is served by an 8" water line. No city sewer 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 Pubic 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.***

Surrounding properties are predominantly low-density residential and are zoned A-1, with the exception of a C-G zoned property directly on the other corner of Hwy 41N and North Drive. Although commercial uses are not prevalent immediately surrounding the subject property, the Hwy 41 corridor reflects a mix of residential and commercial uses, including C-G zoned properties located to the north and south of the site.

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

The proposed zoning is not anticipated to adversely affect the existing use or 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 requirements for A-1 zoning, and it cannot be used for commercial purposes. The proposed use is not permitted under A-1 zoning.

***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 *Highway 41 North Corridor* on the Gordon County Future Development Map. This classification supports land uses intended to transition the area to a commercial corridor, making the proposed zoning consistent with the intent of 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.***

There are several factors that make the property in its current state non-compliance with County development standards, including lot area, setback and buffer requirements. Being approved for their variance request will bring it fully into compliance.

### **Planning Staff's Recommendation:**

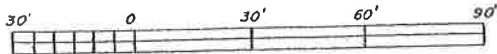
The rezoning request identified as Application #Z14-04 be recommended for approval.

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





214-04



GRAPHIC SCALE-1IN.=30FT.

DATE: JULY/05/1989.

SAID PROPERTY IS NOT IN ANY FLOOD HAZARD AREA AS DESIGNATED BY THE DEPT. OF HOUSING AND URBAN DEVELOPMENT.

REFERENCE PLATS BY M. P. DAVIS, RLS NO 926, FOR JACK SILVERS, DATED JAN. 02, 1970, ALSO GA. D.O.T. R/W PLANS FOR S.R. 3, U.S. 41.

IN ANY OPINION, THIS IS A COMPLETE REPRESENTATION OF THE SURVEY AND HAS BEEN PREPARED IN ACCORDANCE WITH THE BEST PRACTICES AND REQUIREMENTS OF LAW.

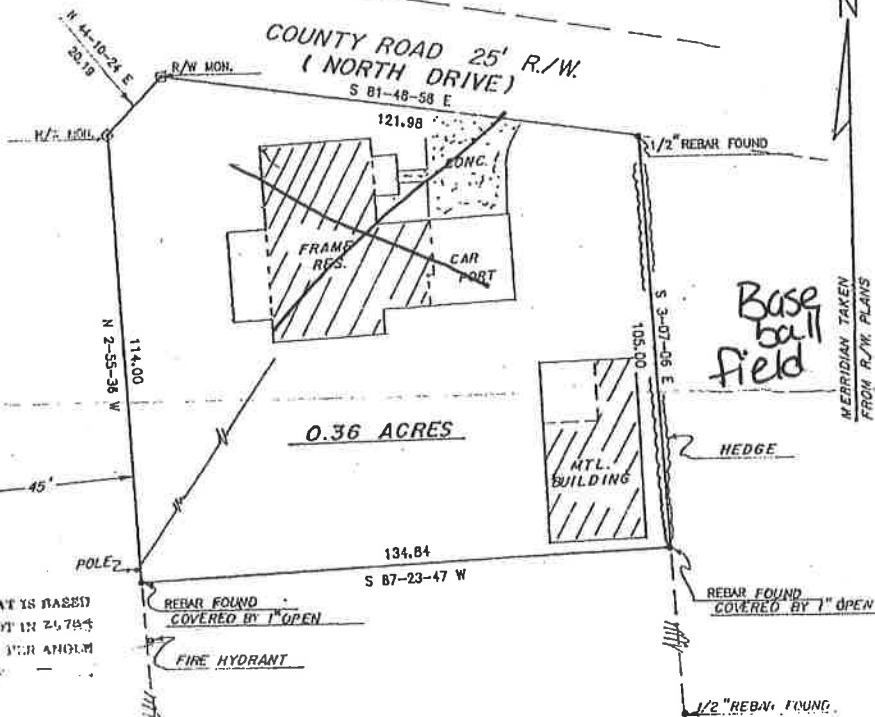
Painted post

City - warehouse Zoned Commercial

CENTERLINE

STATE ROUTE 3, U.S. HWY. 41

R/W VARIES



Base ball field

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE EXCESSION OF ONE FOOT IN 24,795 FEET AND AN ANGULAR ERROR OF ... PER ANGLE POINT AND WAS CORRECTED USING THE ...

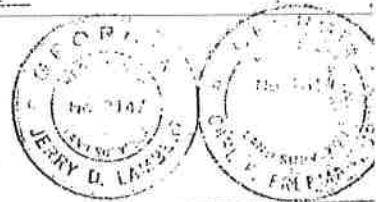
THE PLAT HAS BEEN CHECKED FOR CLOSURE AND FOUND TO BE ...

FIELD WORK WAS DONE USING ...

SURVEY FOR

KITTY SETO LEUNG, CHI YAN LAW, CHI CHING LAW

BEING LOTS 35,36,37,38, AND 39 OF DAVID ADDITION TO CALHOUN, PLAT BK. 1, PAGE 193. LOCATED IN LAND LOT 121, 14TH. DISTRICT, 3RD. SECT. GORDON COUNTY, GEORGIA.



ERRMANN & LAMBERT SURVEYORS 114 ANTHONY DR. N.E. CALHOUN, GA 30901 PHONE 629 2200

DEPARTMENT REVIEW -- ENVIRONMENTAL HEALTH

Application # V14-04 Leung Variance  
Z14-04 A-1 to C-6  
Date: 5/13/14  
Reviewed by: Shane Hendrix ~~ET/ST~~

Environmental Health

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

This lot was evaluated on 5/23/14.  
Septic system appears to be functioning properly.  
Reduction of commercial buffer should not affect existing septic system, as long as new utilities such as power & water are not routed across front of property. Also, due to the small size of this lot, no additional structures can be added in the future.

DEPARTMENT REVIEW - STATE DEPARTMENT OF  
TRANSPORTATION

Application # V 14-04 Leung variance  
Z 14-04 A-1 to CG

Date: 5/13/14

Reviewed by: RYAN HIGGINS

State Department of Transportation

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

- CONTACT DISTRICT TRAFFIC OPERATIONS  
FOR COMMERCIAL DRIVE PERMIT

**DEPARTMENTAL REVIEW – BUILDING DEPARTMENT**

Application # V14-04 Leung Variance  
Z14-04 A-1 to CG  
Date: 5/13/14  
Reviewed by: Tom Burgess

**BUILDING DEPARTMENT**

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

MODIFICATIONS OR RENOVATIONS TO THE  
BUILDING MAY REQUIRE PERMITS DEPENDING  
ON THE WORK INVOLVED.

**DEPARTMENTAL REVIEW - FIRE DEPARTMENT**

Application # 214-04 Leung Variance A-1 to C-G  
 Date: 5/13/14  
 Reviewed by: JOEY JORDAN

**FIRE DEPARTMENT**

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

O.K.  5/20/14

CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: z14-04  
APPLICATION NAME: KITTY LEUNG  
TYPE OF ZONING: A-1 TO C-G  
DATE: 5/14/2014  
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY AN 8" WATER LINE.

SEWER COMMENTS:

NO CITY SEWER SERVICE TO THIS PROPERTY.

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.