

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 14-10 DATE OF READING 10-21-14

REZONE FROM R-1 residential TO A-1 agricultural

PROPERTY OWNER Tony Lee Turner

LOCATION OF PROPERTY 714 Ryo Mountain Rd

Fairmount

DESCRIPTION OF PROPERTY

56 ± 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
OCTOBER 13, 2014**

The Gordon County Planning Commission held a Public Hearing on Monday, October 13, 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
Jerry Lovelace	Butch Layson
Randy Rule	

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 Randy Rule to approve the minutes of the previous meeting of September 8, 2014. Jerry Lovelace seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z14-08, TOMMIE STONE

Chairman Rains read rezoning application #Z14-08, Tommie Stone, requesting to rezone 1.23 acres located at 111 Orr Mill Road, SE, Ranger, from A-1 to R-6. Mr. Stone represented the request explaining that they wanted to move the existing mobile home that was located at 250 Orr Mill Road to the 111 Orr Mill Road location permanently and then they were either going to build or buy a new mobile home to place at the 250 Orr Mill Road location. Randy Rule asked for clarification that they were not just abandoning the mobile home and Mr. Stone replied that they were going to set the existing mobile home up at the 111 Orr Mill Road location. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z14-08 be approved.

Jerry Lovelace made the motion to approve the rezoning request identified as #Z14-08 from A-1 to R-6 as requested. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z14-10, TONY LEE TURNER

Chairman Rains read rezoning application #Z14-10, Tony Lee Turner, requesting to rezone a 56 acre tract located at 714 Ryo Mtn. Road, Fairmount, from R-1 to A-1. Mr. Turner represented the request explaining that he would like to build 4 poultry houses on the property. All adjoining property owners had been notified.

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

Rezoning Proposal

Date of Report: September 26, 2014

Application # Z14-10

Applicant and Property Owner: Tony Lee Turner

Location of Property: 714 Ryo Mtn Rd., Fairmount, GA 30139

Property Frontage: 1,833.18 Feet **Tract Size:** 56 +/- acres

Proposed Action: Rezone from R-1 (Low Density Residential) to A-1 (Agricultural)

Reason for Proposed Action: Would like to rezone property back to agricultural.

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:*** Nothing should be needed from EH.
- * ***Building Department:*** No comment.
- * ***Fire Department:*** Ok.
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** Driveway permit approved.
- ***Water & Sewer (City of Calhoun):*** No City of Calhoun water service to this area. This area is served by Pickens County water authority. 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 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.

The zoning proposal is suitable in view of the use and development of adjacent and nearby property.

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

The proposed zoning will not 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 can be developed as currently zoned because the property was zoned for a subdivision in 1994 and 1997 but would not be in compatible with the current Future Development Map and Comprehensive Plan.

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 Reserve on the Gordon County Future Development Map. This classification supports land uses intended for predominantly rural, undeveloped land that is suited for agricultural and large-lot residential uses. Preserve economic function of agricultural, livestock and forestry in Gordon County. The proposed zoning is consistent 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.

The proposed zoning and use is compatible with surrounding properties.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z14-10 be recommended for approval.

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

Return Recorded Document to:
Brunt & Hood, LLC
118 Court Street, Suite 3
Calhoun, GA 30701
File No: 14-800-1253A

Recorded 07/23/2014 1:25
Doc: WD Rcpt#: 303965
TRANSFER TAX: 135.10
TRANSFER TAX ID: 0642014001353
Grant Malraven, C.S.C.
GORDON County, Ga
DEED Bk: 1903 Pgs: 95-96

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF GORDON

This Indenture made this 18 day of July, 2014, between E. ANN PAYNE, OSCAR MILLARD PAYNE, MARY ANASTASIA P. GRANT (now known as MARY ANASTASIA P. MANNING) AND CARLA ROSS PAYNE, as parties of the first part, hereinafter called Grantor, and TONY LEE TURNER and TONYA CLARK TURNER, as joint tenants with right of survivorship and not as tenants in common, as parties of the second part, hereinafter called Grantees ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits and shall include the singular and the plural as the case may be).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts 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 Grantees, as joint tenants 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:

ALL THAT TRACT OR PARCEL OF LAND Lying and being in Land Lot 79 of the 23rd District and 2nd Section of Gordon County, Georgia and being all of the land in the north one-half of Land Lot 79 that lies west of the Old Ellijay Road (now known as Ryo Mountain Road) and being 56 acres, more or less. This property is described as follows: Beginning at the northwest corner of Land Lot 79, thence running south along the western boundary of Land Lot 79 1320 feet, more or less, to an iron pin; thence in a easterly direction to the western right of way of Old Ellijay Road (now known as Ryo Mountain Road); thence in a generally northeasterly direction along the western right of way of said road to a point where the northern boundary of Land Lot 79 intersects with the western right of way of Old Ellijay Road (now known as Ryo Mountain Road); thence in a westerly direction along the northern boundary of Land Lot 79 to the point of beginning.

LESS AND EXCEPT

Excluded from the above description is the following property:

ALL THAT TRACT OR PARCEL OF LAND Lying and being in Land Lot 79 of the 23rd District and 2nd Section of Gordon County, Georgia; being Tract 1 (5.82 acres), Tract 2 (4.80 acres) Tract 3 (4.74 acres) and Tract 4 (5.02 acres), as shown on plat entitled "Boundary Survey for Sam Payne" recorded in Plat Book 34, Pages 36, Gordon County, Georgia records, which is incorporated herein by reference and made a part hereof for a full and complete description of the land herein conveyed.

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 behoove of the said Grantees, as joint tenants 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.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and

not as tenants in common.

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, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

E Ann Payne (SEAL)
E. ANN PAYNE

[Signature]
Notary Public


[Signature]
Unofficial Witness

Oscar Millard Payne (SEAL)
OSCAR MILLARD PAYNE

[Signature]
Notary Public


[Signature]
Unofficial Witness

Mary Anastasia P. Grant
n/k/a Mary Anastasia P. Manning (SEAL)
MARY ANASTASIA P. GRANT
(now known as MARY ANASTASIA P. MANNING)

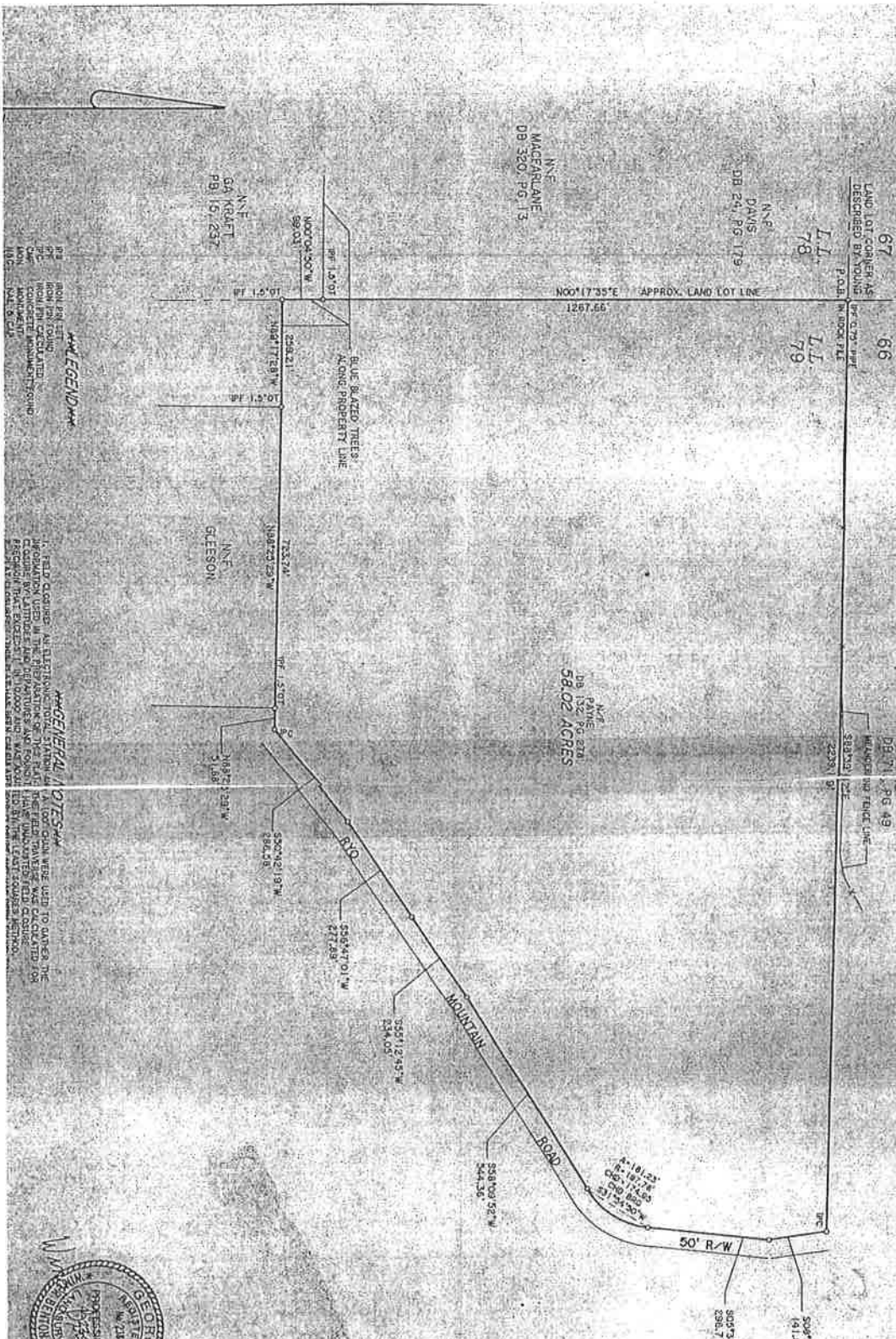
[Signature]
Notary Public


[Signature]
Unofficial Witness

[Signature] (SEAL)
CARLA ROSS PAYNE

[Signature]
Notary Public


BOUNDARY SURVEY FOR
SAM PAVNE
 LOCATED IN LAND LOT 78
 2341 DISTRICT, 2ND SECTION
 GORDON COUNTY, GEORGIA
 DATE - JULY 12, 1994



LEGEND
 IRON PINS
 IRON PIPE
 IRON PIPE CAPPING
 CONCRETE MONUMENT FOUND
 MONUMENT
 IRON PIPE CAPPING
 CONCRETE MONUMENT FOUND
 MONUMENT

GENERAL NOTES
 1. FIELD COPIES AND ELECTRONIC DATA STATIONS
 2. ALL DISTANCES WERE MEASURED TO THE CENTER
 3. ALL DISTANCES WERE MEASURED TO THE CENTER
 4. ALL DISTANCES WERE MEASURED TO THE CENTER
 5. ALL DISTANCES WERE MEASURED TO THE CENTER



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z14-10
APPLICATION NAME: TONY LEE TURNER
TYPE OF ZONING: R-1 TO A-1
DATE: 9/26/2014
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

NO CITY OF CALHOUN WATER SERVICE TO THIS AREA. THIS AREA IS SERVED BY PICKENS COUNTY WATER AUTH.

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 - FIRE DEPARTMENT

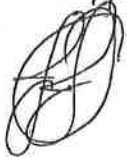
Application # 214-10 Turner R-1 to A-1

Date: 9/22/14

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.
 9/25/14

Phone	97066291023
Pages	4
Start Time	09-23 05:49AM
Elapsed Time	02:03"
Mode	ECM
Result	OK

Date : SEP-23-2014 TUE 05:51AM
Name :
Tel. : 7066258253

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 214-10 Turner R-1 to A-1

Date: 9/22/14

Reviewed by: BARRY HICE

ROAD DEPARTMENT

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

DRIVEWAY PERMIT APPROVED.
BH