

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z16-03 DATE OF READING 3-29-16

REZONE FROM A-1 TO R-1

PROPERTY OWNER Brenda G. Arnold

LOCATION OF PROPERTY 442 Lovers Lane Rd.

Calhoun

DESCRIPTION OF PROPERTY
0.48 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
MARCH 14, 2016**

The Gordon County Planning Commission held a Public Hearing on Monday, March 14, 2016 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
Butch Layson	Nathan Serritt
Jerry Lovelace	

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 February 8, 2016. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V16-01 AND REZONING APPLICATIONS
#Z16-03 & Z16-04, BRENDA G. ARNOLD**

Chairman Rule read variance application #V16-01 and rezoning applications #Z16-03 and #Z16-04, Brenda G. Arnold, on a 1.48 acre tract located at 442 Lovers Lane Road. David "Mitchell" Washington represented the applications for his mother, requesting to be able to subdivide the 1.48 acre tract into a .48 acre tract with the existing home therefore needing a variance of .14 acre to be able to rezone this same .48 acre tract from A-1 to R-1 and to rezone the other 1 acre tract from A-1 to C-G for the operation of selling used cars. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as application #V16-01 and rezoning requests identified as application #Z16-03 and #Z16-04 all be approved.

On Variance Application #V16-01, Nathan Serritt made the motion to approve the variance to reduce the required lot size for R-1 zoning from .57 acres down to .48 acres. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On Rezoning Application #Z16-03, Eddie Smith made the motion to approve the rezoning application from A-1 to R-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

Cover Sheet
Proposal for Land Use Action

Application Number: 216-03 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: March 14, 2016

Date of Board of Commissioners' Meeting: April 5, 2016

Applicant: Brenda G. Arnold

Property Owner: (if different from applicant) _____

Property Address: 442 Lovers Lane Rd.

Said Property having a frontage of 100 feet and containing 0.48 acres.

Future Development Map Classification: Emerging Mixed Use Center-Community Node

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Reduce required lot area from 0.57 area to 0.48. To rezone to R-1, Low Density Residential.

Reason for Proposed Action: Subdividing property with existing house, (I would like to rezone other property for commercial).

Directions to Property: E. Line St. Turn right onto Lovers Lane Rd. Go about 1 mile on left.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: February 12, 2016

Application # Z16-03

Applicant and Property Owner: Brenda G. Arnold

Location of Property: 442 Lovers Lane Road, NE., Calhoun, GA 30701

Property Frontage: 100 Feet **Tract Size:** 0.48 acres

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

Reason for Proposed Action: Would like to subdivide property with existing house and would like to use the other portion for commercial.

Future Development Map Classification: Emerging Mixed Use Center – Community Node

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:*** I'm pretty sure this house is on septic. Septic tank and drainfield needs to be located (along with future repair area) and needs to stay on lot with house. Drainfield does NOT need to encroach on adjoining property.
- * ***Building Department:*** No comment.
- * ***Fire Department:*** O.K.
- * ***Gordon County School System:*** N/A
- * ***Road Department or Georgia of Transportation:*** If zoning is approved and before construction or usage begins, a driveway permit will be required. A driveway design showing the layout details shall accompany the permit request. Refer to the ULDC chapter 6 for design guidelines.
- * ***Water & Sewer (City of Calhoun):*** This area is served by a 6" 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 commercial and industrial zoned also some residential.

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 anymore than current adjacent land use.

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 requirement for A-1 Zoning, and it cannot be used for any other purpose.

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 and would not impede on the 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 Emerging Mixed Use Center – Community Node on the Gordon County Future Development Map. This classification supports land uses intended for mixed use (commercial, retail, residential), Civil/institutional, passive and active parks. 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 subject property has a non-conforming dwelling.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-02 be approved.

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

Recorded 10/25/2004 08:30A
Georgia Transfer Tax Paid : \$0.00 Repl # 23096

LEWIS COUCH
Clerk Superior Court, GORDON County, Ga.
Bk 01125 Pg 0372-0373

104-10571

---SPACE ABOVE RESERVED FOR RECORDING INFORMATION---

AFTER RECORDING RETURN TO:
Jones & Erwin, P.C.
109 North Wall Street
Calhoun, Georgia 30701

State of Georgia, Gordon County

WARRANTY DEED

THIS INDENTURE, Made this the 29th day of September in the year of our Lord 2004 between William P. Arnold and Brenda G. Arnold as Joint Tenants with Right of Survivorship of the County of Gordon and State of Georgia of the first part, and Brenda G. Arnold, Widow of the County of Gordon and State of Georgia of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part her heirs and assigns, all the following described property, to wit:

All that tract or parcel of land lying and being Land Lot 231 of the 14th and 3rd Section, Gordon County, Georgia; being Tract 1 and 2, per plat recorded in Plat 11, Page 198, Gordon County, Georgia Record, which plat by reference is incorporated herein and made a part hereof.

TO HAVE AND TO HOLD, The said bargained premises, together 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 Brenda G. Arnold the said party of the second part, her heirs and assigns forever in Fee Simple.

And the said parties of the first part, for their heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto the said party of the second part her heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said parties of the first part has hereunto set her Hand and affixed her seal the day and year first above written.

Signed, sealed and delivered in presence of:

Brenda G. Arnold (Seal)
Brenda G. Arnold

(Seal)

(Seal)

(Seal)

(Witness)
Lisa Apple
(Notary Public)
5/28/08

N.P. SEAL AFFIXED

CONTINUED



Exhibit A

Legal Description:

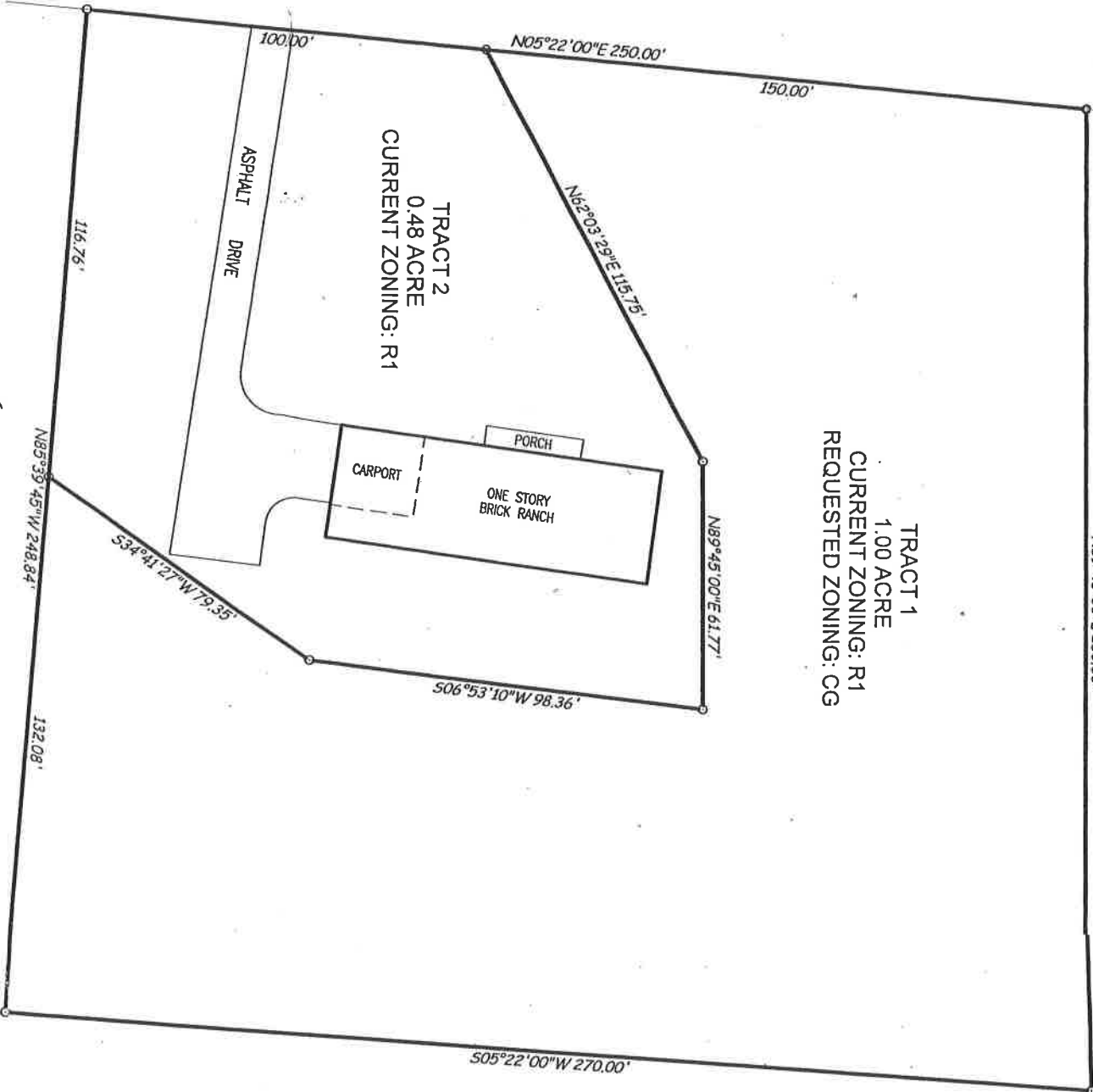
All that tract or parcel of land lying and being in Land Lot 231 of the 14th and 3rd Section, Gordon County, Georgia: being Tracts 1 and 2, per plat recorded in Plat 11, Page 196, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

Parcel/Tax I.D. #: 056B-101

Commonly known as: 442 Lovers Lane Southeast, Calhoun, GA 30701

I-1

LOVERS LANE ROAD 80' R/W



A-1

A-1

A-1

TAX PARCEL: 058A 170
J.R. KIRBY
DB43, PG164

TAX PARCEL: 058B 09
DAVID DIXON
DB1698, PG286+
PB16, PG164

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 216-03 Arnold A-1 to Rf

Date: 2/15/16

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.

2/24/16

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-03, 04
APPLICATION NAME: BRENDA G. ARNOLD
TYPE OF ZONING: A-1 TO R-1, C-G, VA
DATE: 2/19/2016
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY A 6" WATER LINE.

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.

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # V16-01 Arndd Variance

Date: 2/15/16

Reviewed by: Christy Blair

Environmental Health

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

I'm pretty sure this house is on septic.

Septic tank and drainfield needs to be located (along with future repair area) and needs to stay on lot with house.

Drainfield does NOT need to encroach on adjoining property.