

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-18 DATE OF READING 10-18-16

REZONE FROM A-1 TO RA-1

PROPERTY OWNER Edwin Graham

LOCATION OF PROPERTY 8500 Fairmount Hwy

Fairmount, GA

DESCRIPTION OF PROPERTY
3.376 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 10, 2016**

The Gordon County Planning Commission held a Public Hearing on Monday, October 10, 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	Jerry Lovelace
Butch Layson	Eddie Smith

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 September 12, 2016. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V16-10 & REZONING APPLICATION #Z16-18,
EDWIN GRAHAM**

Chairman Rule read variance application #V16-10 and rezoning application #Z16-18, Edwin Graham for property located at 8500 Fairmount Hwy., Fairmount. Mr. Graham represented the request explaining that he is subdividing the 40.848 acre tract into a 3.376 acre tract with the existing house to sell and a 37.472 acre tract to deed to his grandson for a farm and future home. There is a guardrail across most of the property so you have to access it from the existing driveway and also would like to leave concrete drive with the house. The variance is for the 37.472 acres to reduce county road frontage from 150 feet to 71.71, needing a variance of 78.29 and waive the restriction of creating a flag lot. The rezoning is for the 3.376 acres from A-1 to RA-1 to bring into compliance with the ULDC prior to the sell. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-10 be approved as requested, with the condition that evidence of a permanent easement for access is submitted to the Gordon County Planning and Development Department and on rezoning request identified as Application #Z16-18 is recommended for approval from A-1 to RA-1..

On variance request #V16-10, Jerry Lovelace made the motion to approve as requested; with the condition that evidence of a permanent easement for access is submitted to the Gordon County Planning and Development Department. Eddie Smith seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning request #Z16-18, Eddie Smith made the motion to approve the request from A-1 to RA-1. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V16-11, OWR, LLC

Chairman Rule read variance application #V16-11, OWR, LLC, requesting to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 50 feet on the front of Highway 41 for a 25 acre tract located at 3528 Hwy. 41 South, Calhoun. Terry Brumlow, a local attorney, represented the request stating that this property had been rezoned to I-2 a few months earlier and the hardship is based on the pending purchase of adjoining tract and fact that all property in the area lies in an area designated for future land use as Industrial. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-11 be approved.

Jerry Lovelace made the motion to approve the Variance Application #V16-11 to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 50 feet on the front of Highway 41. Butch Layson seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

**VARIANCE APPLICATION #V16-12, CON-ONAULA FARMS, L.L.L.P.
(OWR, LLC)**

Chairman Rule read variance application #V16-12, Con-onaula Farms, L.L.L.P. (OWR, LLC), requesting to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 50 feet on the front of Highway 41 for a 31.70 acre tract located at 3538 Hwy. 41 South, Calhoun. Terry Brumlow, a local attorney, represented the request stating that this property is pending the rezoning I-2 based on this variance being granted and the hardship is based on the ownership of adjoining tract and fact that all property in the area lies in an area designated for future land use as Industrial. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-12 be approved.

Butch Layson made the motion to approve the Variance Application #V16-12 to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 50 feet on the front of Highway 41. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

**Cover Sheet
Proposal for Land Use Action**

Application Number: Z16-18 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: October 10, 2016

Date of Board of Commissioners' Meeting: October 18, 2016

Applicant: Edwin Graham

Property Owner: (if different from applicant) _____

Property Address: 8500 Fairmount Hwy, Fairmount

Said Property having a frontage of 331.39 feet and containing 3.376 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: Agricultural

Proposed Action: subdividing property, Tract 1 is 3.376 acres and tract 2 is 37.472 acres. Both tracts will utilize the existing driveway.

Reason for Proposed Action: Would like to sell the house and want it to be in compliance with ULLDC prior to that. Would like to deed the remaining 37 acres to my grandson for a farm & home.

Directions to Property: Hwy 53E to Pine Log Creek, drive over bridge & the driveway will be on the left at end of guardrail. #8500

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

Rezoning Proposal

Date of Report: September 23, 2016

Application # Z16-18

Applicant and Property Owner: Edwin Graham

Location of Property: 8500 Fairmount Hwy., Fairmount, GA 30139

Property Frontage: 331.39 Feet **Tract Size:** 3.376 acres

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

Reason for Proposed Action: Would like to subdivide property to sell with the existing house and the remaining 37.472 acres will be deeded to my grandson for a farm.

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 needed from Environmental Health.
- * **Building Department:** N/A
- * **Fire Department:** OK
- * **Gordon County School System:** N/A
- * **Road Department or Georgia Dept. of Transportation:** Contact GDOT for any additional drives ay 678-721-5295.
- * **Water & Sewer (City of Calhoun):** This property is served by an 8" water line running along Hwy 53. 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.

Subject property surrounded by primarily agricultural zoned properties with residential uses.

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 properties.

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 generate additional vehicular traffic but shouldn't 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 Rural/ Agricultural on the Gordon County Future Development Map. This classification supports land uses intended for Agricultural, Low-intensity single-family residential and passive recreation. 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 is consistent with the established development pattern with the Gordon County Future Land Use Plan.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-18 is recommended for approval.

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

5. Rural Crossroads (con't.)

Quality Community Objectives

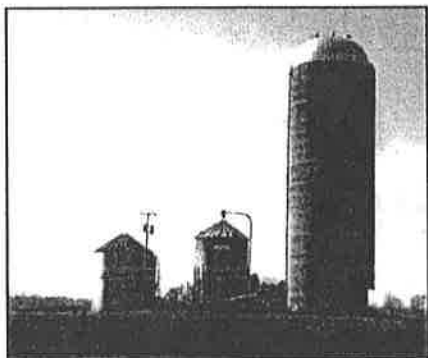
- Sense of Place
- Regional Identity

Implementation Strategies

- Adopt minimum standards for commercial building and site design
- Adopt a Conservation Subdivision Ordinance
- Widen roadways only when absolutely necessary

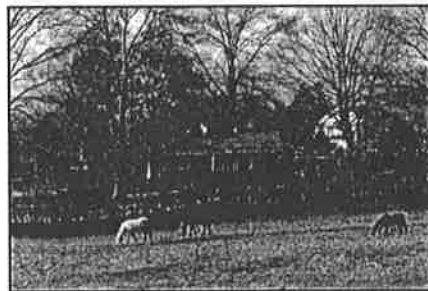


6. Rural/Agricultural Reserve



Agriculture, a traditional industry in the County, contributes to the rural nature of this character area

The Rural/Agricultural Reserve character area is widespread throughout Gordon County. The character area includes predominantly rural, undeveloped land that is suited for agricultural and large-lot residential uses. Development in the area should respect the County's farming tradition and maintain its rural, open spaces. Lack of sewer infrastructure is common, which makes higher density development unsuitable. An exception is clustering of homes to preserve significant amounts of open space. "Conservation subdivisions" may be an appropriate alternative to large-lot residential uses and an appropriate response to development pressures for lower density residential neighborhoods.



The existing development pattern of large lots and open space should be maintained

Development Pattern

The development pattern should seek to:

- Protect farmland, open space, and environmentally-sensitive areas by maintaining large lot sizes
- Preserve economic function of agriculture, livestock and forestry in Gordon County
- Cluster new residential development in a conservation subdivision design that incorporates significant amounts of open space and natural conservation areas
- Limit grading and clearing
- Preserve natural hydrology and drainageways
- Connect new conservation subdivisions to a County-wide network of greenways
- Discourage extension of public utilities into these areas
- Carefully design roadway alterations to minimize scenic and environmental impacts
- Preserve rural character, viewsheds, and natural features/resources
- Allow unpaved roads and shared driveways that provide access from a public road for up to six residences
- Limit impacts of new development on the environment, including reducing limits on clearing and grading



Tree canopies are valuable contributions to scenic views and the rural character of the area



6. Rural/Agricultural Reserve (con't.)

Development Pattern (con't).

- Reduce impervious cover
- Utilize natural features for stormwater management
- Accommodate low-intensity uses

Primary Land Uses

- Agricultural
- Low-intensity single-family residential
- Passive recreation

Quality Community Objectives

- Sense of Place
- Open Space Preservation
- Environmental Protection

Implementation Strategies

- Adopt a policy that discourages extension of public utilities into these areas
- Continue to follow BMPs for any land disturbance activities, including tree harvesting and utility construction
- Adopt a Conservation Subdivision Ordinance
- Adopt typical street cross-sections for these areas that identify appropriate width and configuration and that require paved roads to use drainage swales in lieu of curb and gutter
- Encourage the use of Stormwater Better Site Design Standards (part of the Georgia Stormwater Management Manual) to conserve natural areas, reduce impervious surfaces and better integrate stormwater treatment in site planning and design
- Increase buffer requirements between agricultural and non-agricultural uses
- Adopt policies that require setting aside land as part of subdivision development for a County-wide network of greenways/trails for use by non-motorized users
- Promote the use of conservation easements and conservation tax credits by landowners to help preserve viable farmland



An example of a conservation subdivision, which maximizes and protects existing green space/trees.
Source: Georgia Stormwater Management Manual

7. Emerging Suburban

Suburban-type residential development (smaller-lot neighborhoods versus individual, large lots) has occurred to some extent east of Calhoun between State Highway 156 (Red Bud Road) and State Highway 53. These residential subdivisions have typically developed in a leap-frog fashion, and they lack connectivity when they do abut. Like much of the County, the homes utilize septic systems. Less dense residential development has occurred southwest of Calhoun. Together, these two areas have the potential to accommodate residential growth in the County. Development is not expected to be at the same intensity as what is encouraged in the Emerging Mixed Use – Community Node character areas, especially due to the presence of groundwater recharge areas, the lack of sewer infrastructure, and the existing development pattern that includes large-lot development. Conservation subdivisions, however, are a suitable use to help retain the open spaces and rural character that are prevalent throughout the area.



After Recording, Return To:
BETTIS LAW GROUP, LLC
1825 Lockaway Drive, # 201
Alpharetta, Georgia 30004
Phone No.: (678) 736-5445
File No.: 5377-001

Recorded 09/01/2016 2:00
Doc: WD Rec#: 315151
TRANSFER TAX: 375.00
TRANSFER TAX ID: 0642016001564
Grant Malraven, C.S.C.
GORDON County, Ga
DEED Bk: 2027 Pg: 105

**STATE OF GEORGIA
COUNTY OF GORDON**

LIMITED WARRANTY DEED

THIS INDENTURE is made as of August 31, 2016, between CATHY MATHIS MCARTHUR and ANTHONY CARY MCARTHUR, (hereinafter referred to as "Grantor") and EDWIN GRAHAM (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following:

All that tract or parcel of land lying and being in Land Lot No. 314 in the 7th District and 3rd Section of Gordon County, Georgia, and Land Lot No. 192 in the 6th District and 3rd Section of Gordon County, Georgia, together with improvements thereon, and being more particularly described according to a plat of survey prepared for William H. McArthur by N.B. DeLoach, Georgia Registered Land Surveyor No. 1347, dated December 20, 1988 and being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 21, Page 40, to which said plat and the record thereof reference is hereby made for a more full and complete description of the lands hereIn conveyed.

LESS and EXCEPT:

All that tract or parcel of land lying and being in Land Lot 314 of the 7th District and 3rd Section of Gordon County, Georgia and being all of that tract lying North of the dividing line between Land Lot 314 and Land Lot 192 as shown on plat entitled "Plat for William H. McArthur" and recorded in Plat Book 21, Page 40, Gordon County, Georgia Records, which plat by reference is incorporated hereIn and made a part hereof.

This deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD, the 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 behoof of the said Grantee forever and in FEE SIMPLE.

AND THE SAID GRANTOR WILL ONLY WARRANT and forever defend the right and title of the above described property unto Grantee against the claims of those persons claiming by, through or under Grantor.

EXECUTED under seal as of the date above.

Signed this 31st day of August, 2016
in the presence of:

Samantha Bradford
Unofficial Witness

Cathy Mathis (SEAL)
CATHY MATHIS MCARTHUR

[Signature]
Notary Public
(My commission expires 11-11-19)

Anthony Cary McArthur (SEAL)
ANTHONY CARY MCARTHUR

(Notary Public Seal Affixed)

THIS PL
FOUND
FIELD W
TOTAL S

216-18

SURVEY FOR EDWIN GRAHAM

TRACT 1
37.472 ACRES+/-

PINE LOG CREEK

IE B. COLLINS &
COLLINS PROP.
BOOK 1198, PAGE 3

HORACE J. TAYLOR
SEE PLAT BK. 10, P. 288
AND PLAT BOOK 14, PAGE 136

40.8
1

CENTER OF PINE LOG CREEK

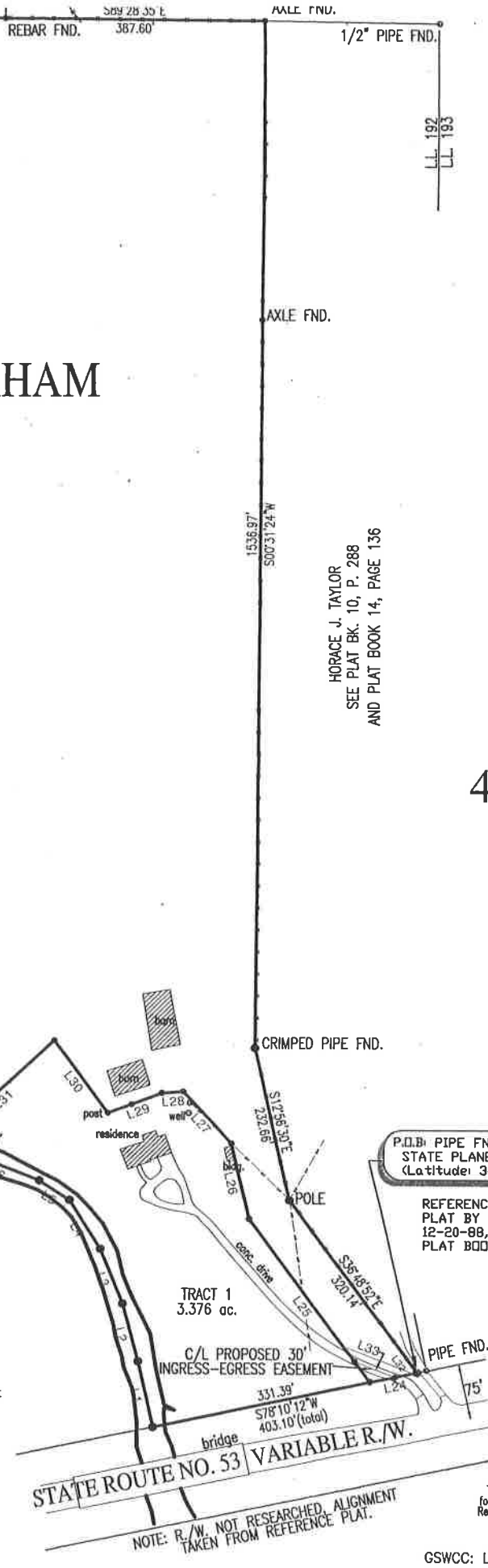
Bearing	Distance
2°38'56"W	100.39'
1°37'24"W	89.42'
2°08'14"W	88.14'
2°43'50"W	85.58'
3°51'11"W	53.42'
3°49'04"W	123.40'
3°14'58"W	121.01'
1°27'22"W	142.14'
3°00'13"W	197.49'
3°15'15"W	106.34'
3°00'04"W	86.39'
7°39'34"W	61.31'
7°37'51"E	112.53'
3°20'11"E	221.03'
1°06'35"E	154.62'
3°12'15"E	206.29'
1°02'47"W	134.91'
3°59'24"W	85.61'
3°55'57"E	80.02'
3°31'40"E	107.72'
3°15'50"E	150.25'
3°18'58"E	111.24'
1°33'17"E	104.49'

boundary calls cont.

Course	Bearing	Distance
L24	S78°10'12"W	71.71'
L25	N36°48'52"W	303.59'
L26	N12°56'30"W	114.97'
L27	N43°10'58"W	106.15'
L28	S86°40'35"W	31.78'
L29	S69°06'38"W	84.94'
L30	N36°24'53"W	134.07'
L31	S47°37'12"W	232.98'

Calls for proposed 30' ingress-egress easement

Course	Bearing	Distance
L32	S78°10'12"W	33.64'
L33	N68°51'23"W	65.04'



P.O.B. PIPE FND. N. 16189
STATE PLANE COORDINA
(Latitude: 34°26'55.092

REFERENCE:
PLAT BY N.B. DELDACH
12-20-88, FOR WILLI
PLAT BOOK 21, PAGE

STATE ROUTE NO. 53
VARIABLE R./W.

NOTE: R./W. NOT RESEARCHED. ALIGNMENT
TAKEN FROM REFERENCE PLAT.

NOTE: this sur
Technical Stand
forth in Chapter 1
Registration for Pr
as set forth in

DAVID A.
GSWC: LVL 2 CERTI

NATIONAL SOCI
SURVEYING &



GLASS &

DEPARTMENT REVIEW -- ENVIRONMENTAL HEALTH

Application # V 16-10 2.16-18 Graham Variance
A-1 to RA-1

Date: 9/13/16

Reviewed by: Christy Blair

Environmental Health

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

Nothing needed from EH.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-18
APPLICATION NAME: EDWIN GRAHAM
TYPE OF ZONING: A-1 TO RA1
DATE: 9/22/2016
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS PROPERTY CAN BE SERVED BY AN 8" WATER LINE RUNNING
ALONG HWY. 53.

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.

SEP-13-2016 07:53A FROM:

7066258253

TO:917703874851438

P.2 7396

DEPARTMENT REVIEW - STATE DEPARTMENT OF TRANSPORTATION

STATE DEPARTMENT OF TRANSPORTATION

Application # V 16-10 Z16-18 Graham Variance
A-1 to RA-1
Date: 9/13/16
Reviewed by: Dorovan W Tucker

State Department of Transportation

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

Contact GDOT for any additional drives, at 678-721-5295

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # V116-10
Z116-18 Graham Variance
A-1 to RA-1

Date: 9/15/16

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. Joey Jordan
9/15/16