

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-29 DATE OF READING 1-24-17

REZONE FROM A-1 TO R-1

PROPERTY OWNER James Mark Bunch

LOCATION OF PROPERTY 5480 Nickelsville Rd Rosacea

DESCRIPTION OF PROPERTY

1.57 ACRES

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

- Approval

STIPULATIONS:

VARIANCE APPLICATION #V16-17, KEITH NICHOLS

(Property Owners: Jerry & Nancy Nichols)

Chairman Rule read variance application #V16-17, Keith Nichols requesting a variance to increase the size of a metal structure from 500 feet to 2,500 feet on a 42.54 acre tract located at 280 Owens Chapel Road, Calhoun. Mr. Nichols represented the request explaining that cost, the longevity and structural integrity is why he would like to build this metal storage structure with 3 roll-up doors. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-17 be approved as requested.

Butch Layson made the motion to approve the variance application identified as #V16-17 as requested. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

REZONING APPLICATION #Z16-29, JAMES MARK BUNCH

Chairman Rule read rezoning application #Z16-29, James Mark Bunch, requesting to rezone a 1.57 acre tract located at 5480 Nickelsville Road, Resaca from A-1 to R-1. Mr. Bunch represented the request explaining that this property was a family division and he needed to bring it into compliance to build a house. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-29 be approved.

Nathan Serritt made the motion to approve the rezoning application identified as #Z16-29 from A-1 to R-1. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V16-18, HAROLD ZACHARIAS

Chairman Rule read variance application #V16-18, Harold Zacharias requesting a variance to reduce setback requirements to the front, side, and rear of a .49 acre tract located at the corner of Beamer Circle and Overland Drive, Calhoun. Mr. Zacharias represented the request explaining that this being a corner lot it makes is difficult to construct a new house since you have to meet setback requirements for both streets and both side lot lines pull in. The house across the street is already 20 feet from the ROW. He added he would ask to be able to reduce the required setbacks from 40 feet from the ROW to 25 feet, and from 20 feet on the sides to 10 feet, and from 50 feet in the rear to 30 feet. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-18 be approved with the condition that only one street is allowed the 25 feet from the ROW.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 216-29 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: January 9, 2017

Date of Board of Commissioners' Meeting: January 24, 2017

Applicant: James Mark Bunch

Property Owner: *(if different from applicant)* _____

Property Address: 5480 Nickelsville Rd., Resaca

Said Property having a frontage of 150 feet and containing 1.57 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Have to rezone property in order to bring it into compliance because it was previously a family division.

Reason for Proposed Action: Would like to build a house.

Directions to Property: Hwy 225. Turn right onto Hwy 136, go about 4.3 miles on Left.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: December 21, 2016

Application # Z16-29

Applicant and Property Owner: James Mark Bunch

Location of Property: 5480 Nickelsville Road, Resaca GA 30735

Property Frontage: 150 Feet **Tract Size:** 1.57 acres

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

Reason for Proposed Action: The property was subdivided into two (2) tracts between family members and I bought the property unknowingly and have to bring it into compliance so I could build a house for myself.

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 w/Environmental Health.
- * **Building Department:** N/A
- * **Fire Department:** OK
- * **Gordon County School System:** N/A
- * **Road Department and/or Georgia Dept. of Transportation:** Need to apply for a residential driveway permit if drive not already installed. Please Contact Area Office at 770-387-3993 for assistance.
- * **Water & Sewer (City of Calhoun):** This property is served by an 8" water line. City sewer is unavailable.
- * **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.*

Subject property is surrounded by agricultural and low-density residential uses on agricultural zoning.

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 of 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 five (5) acre lot size requirement for 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 will not generate additional vehicular traffic.

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 agricultural, low-intensity single-family residential and passive recreation. The proposed zoning is consistent with surrounding residential and agricultural uses and 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 surrounding properties. The property is not in compliance with the U.L.D.C. as it has been subdivided making it an unbuildable lot without rezoning it.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-29 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

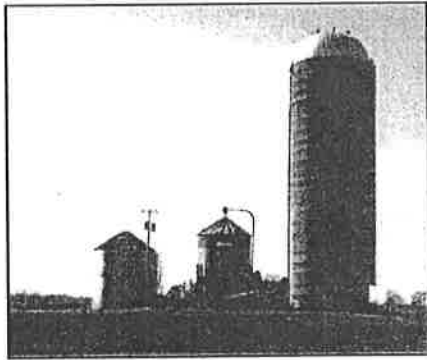
- Sense of Place
- Regional Identity

Implementation Strategies

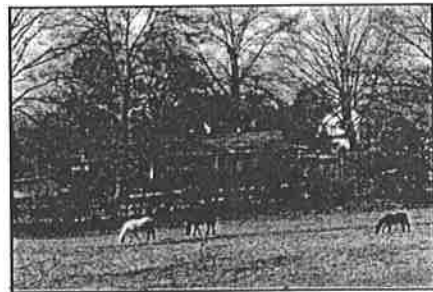
- Adopt minimum standards for commercial building and site design
- Adopt a Conservation Subdivision Ordinance
- Widen roadways only when absolutely necessary



6. Rural/Agricultural Reserve



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



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



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

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



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.



Recorded 06/23/2016 2:45
Doc: 40 Rcpt#: 315001
TRANSFER TAX: 12.00
TRANSFER TAX ID: 0642016001473
Grant Malraven, C.S.C.
GORDON County, Ga
DEED BK: 2025 Pg: 179

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway SE
P.O. Box 2500
Calhoun, GA 30703
File #0816G912

STATE OF GEORGIA

Deed Only, Title Not Examined

COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 10th day of August, 2016 between JANICE SILVERS, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and JAMES MARK BUNCH, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt 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 Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 277 of the 8th District and 3rd Section of Gordon County, Georgia and being more particularly described as follows: To find the point of beginning start at the t-post found at the Northwest corner of Land Lot 277; thence South 00 degrees 05 minutes 10 seconds West a distance of 1537.73 feet to an existing t-post found; thence South 87 degrees 16 minutes 04 seconds East a distance of 214.72 feet to THE POINT OF BEGINNING; thence continuing South 87 degrees 16 minutes 04 seconds East a distance of 150 feet to 1' open top found; thence South 03 degrees 08 minutes 23 seconds West a distance of 481.71 feet to a rebar placed on the North right of way State Highway 136 (100' R/W); thence North 12 degrees 45 minutes 51 seconds West a distance of 150 feet to a point; thence leaving the North right of way of State Highway 136 and proceeding North 03 degrees 08 minutes 23 seconds East a distance of 450 feet, more or less, to the point of beginning. The intent of this conveyance is to convey to the Grantee named above a tract of land 150 feet in width and being the easternmost portion of the tract acquired by the Grantor at Deed Book 1897, Page 425.

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

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 behoof of the said Grantee forever in FEE SIMPLE.

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, 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]
Witness
[Signature]
Notary Public



[Signature] (Seal)
JANICE SILVERS

Mark Bunch

GORDON County, Georgia

LOCATED IN LAND LOT 277, 8th DISTRICT &
3rd SECTION OF GORDON COUNTY, GEORGIA



Scale: 1"=50'



The tract surveyed hereon is a
tract off of the original Parcel#

Zoning: A-1

Parcel# 081-001
N/F Freeman Property
DB:787 PG:44

Parcel# 081-008
N/F Stiles Property
DB:1571 PG:25

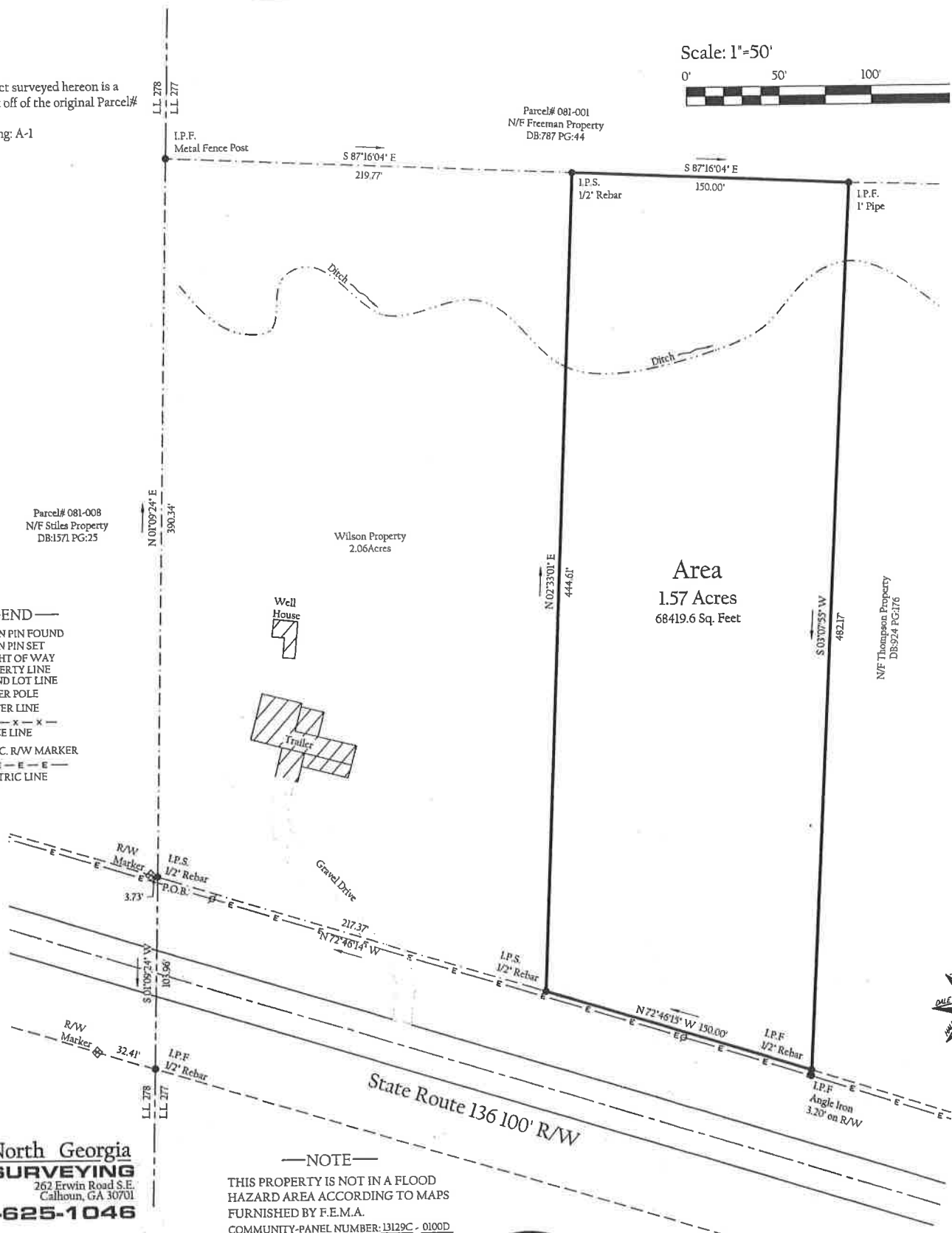
Wilson Property
2.06 Acres

N/F Thompson Property
DB:924 PG:76

Area
1.57 Acres
68419.6 Sq. Feet

LEGEND

- IRON PIN FOUND
- IRON PIN SET
- RIGHT OF WAY PROPERTY LINE
- - LAND LOT LINE
- POWER POLE
- CENTER LINE
- x - x - x - FENCE LINE
- CONC. R/W MARKER
- E — E — E — E — ELECTRIC LINE



NOTE

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA ACCORDING TO MAPS FURNISHED BY F.E.M.A. COMMUNITY-PANEL NUMBER: 13129C - 0100D

North Georgia SURVEYING
262 Erwin Road S.E.
Calhoun, GA 30701
16-625-1046



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY

BE SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY.

THIS PLAT HAS BEEN CALCULATED TO HAVE A CLOSURE OF 1" IN 100,000'. THE DATA UPON WHICH THIS PLAT IS BASED ON HAS A CLOSURE OF 1" IN 10,000 FEET AND AN ANGULAR ERROR OF

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # Z16-29 Bunch A1 to R-1

Date: 12/12/16

Reviewed by: Christy Blair

Environmental Health

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

No issues w/ EH

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # Z16-29 Bunch A-1 to R-1

Date: 12/12/16

Reviewed by: JOEY JORDEN

FIRE DEPARTMENT

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

O.K.



12/15/16

DEPARTMENT REVIEW – STATE DEPARTMENT OF
TRANSPORTATION

Application # Z16-29 Bunch A1 to R-1

Date: 12/12/16

Reviewed by: Stan McCarley

State Department of Transportation

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

Need to apply for residential driveway permit if drive not already installed.

Please contact Area Office at 770-387-3993 for assistance.

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-29
APPLICATION NAME JAMES MARK BUNCH
TYPE OF ZONING: A-1 TO R-1
DATE: 12/13/2016
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY AN 8" 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.