

INFORMATION SHEET FOR REZONING REQUESTS

Application # 217-07 DATE OF READING 5-16-17

REZONE FROM A-1 TO R-6 manufactured housing

PROPERTY OWNER Linda Bennett Applicant: Adam Bennett

LOCATION OF PROPERTY 552 Miller Ferry Rd. Adairsville

DESCRIPTION OF PROPERTY

1.54 ACRES

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

- Approval

STIPULATIONS:

Jerry Lovelace made the motion to approve the variance application identified as #V17-04. Butch Layson seconded the motion. All voted aye.

REZONING APPLICATION #Z17-07, LINDA BENNETT (APPL: ADAM BENNETT)

Chairman Rule read rezoning application #Z17-07, Linda Bennett (appl: Adam Bennett), requesting to rezone a 1.54 acre tract located at 552 Miller Ferry Road, Adairsville from A-1 to R-6. Wayne Bennett represented his mother and son explaining that they would like to place another mobile home on the property for his son to help out with his mother who is getting older and needs some attention. Plus they have family in the surrounding properties. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z17-07 be approved.

Eddie Smith made the motion to approve the rezoning application identified as #Z17-07 from A-1 to R-6. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z17-08, GREGORY AND ERIN YOUNG

Chairman Rule read rezoning application #Z17-08, Gregory and Erin Young, requesting to rezone a 1.50 acre tract located at 396 Cochran Road, Fairmount from A-1 to R-1. Mr. Young explained that his great uncle deeded them the property in order so they could build a house and help out with the farm. They have family in the surrounding area. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z17-08 be approved.

Nathan Serritt made the motion to approve the rezoning application identified as #Z17-08 from A-1 to R-1. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V17-03, NIRAV PATEL (APPL: ZAHID RASHID)

(Tabled from April 10, 2017)

Chairman Rule read variance application #V17-03, Nirav Patel (appl: Zahid Rashid) for a 2 acre tract located at 110 Shope Lake Road, Calhoun. Mr. Rashid explained that he thought the sign company would get the building permit for the sign and didn't realize that they hadn't and that they had built it larger than the ordinance requires. All adjoining property owners had been notified.

Chairman Rule asked if the sign was exactly the dimensions as the sign design and Mr. Rashid replied that it was. The variance was a 2 feet height difference and 62 feet size difference.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V17-03 be approved.

Jerry Lovelace made the motion to approve the variance application identified as #V17-03. Nathan Serritt seconded the motion. All voted aye.

Cover Sheet
Proposal for Land Use Action

Application Number: Z17-07 Present Zoning: A-1 Proposed Zoning: R-6

Date of Planning Commission Meeting: May 8, 2017

Date of Board of Commissioners' Meeting: May 16, 2017

Applicant: Adam & Rosa Bennett

Property Owner: (if different from applicant) Linda Bennett

Property Address: 552 Miller Ferry Rd, Adairsville

Said Property having a frontage of 406.96 feet and containing 1.54 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Subdividing property w/ existing mobile home. Would like to deed my grandson 0.60 acres to place another mobile home.

Reason for Proposed Action: Would like to deed the other portion of 0.60 acre to my grandson to place another mobile home.

Directions to Property: Hwy 415, turn right onto Miller's Ferry Rd, go 1 mile on right.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: April 24, 2017

Application # Z17-07

Applicant and Property Owner: Adam & Rosa Bennett (applicant) Linda Bennett (owner)

Location of Property: 552 Miller Ferry Rd, Adairsville, GA 30103

Property Frontage: 406.96 Feet **Tract Size:** 1.54 acres

Proposed Action: Rezone from A-1 Agricultural District) to R-6 (Manufactured Housing).

Reason for Proposed Action: Subdividing property with an existing mobile home. Would like to deed my grandson 0.60 acres to place a mobile home on.

Future Development Map Classification: Emerging Suburban.

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:*** Division won't affect septic system for existing MH (See attached layout from 05/02/02). New tract will require a level 3 soil study prior to septic application.
- * ***Building Department:*** N/A
- * ***Fire Department:*** OK
- * ***Gordon County School System:*** N/A
- * ***Road Department: and/or Georgia Dept. of Transportation:*** The Bennett's family will need to pick up permit for inspection for new driveway installation that will be coming off Miller Ferry Rd.
- * ***Water & Sewer (City of Calhoun):*** This area is served by a 12' 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 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 is surrounded by agricultural property used for residential uses and agricultural use. There is a residential subdivision in the nearby vicinity.

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 requirements 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.

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 Future Land Development Map. The property already has an existing mobile home where the owner lives, she simply does not have enough to deed her grandson to meet the Family Ties regulations.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z17-07 is recommended for approval.

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

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

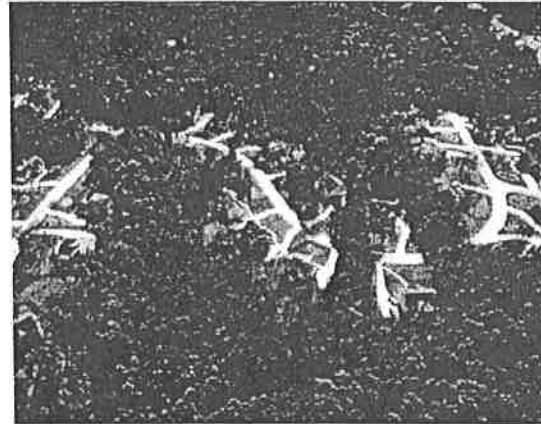
- Agricultural
- Low-intensity single-family residential
- Passive recreation

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.

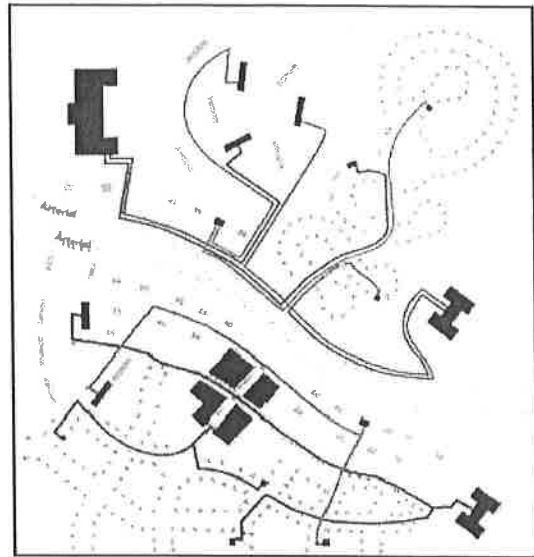


7. Emerging Suburban (con't.)

Development Pattern

The development pattern should seek to:

- Respect the rural character
- Provide adequate open space
- Provide connected system of streets within new subdivisions and connect to existing subdivisions
- Include a variety of housing choices
- Limit clearing and grading
- Provide sidewalks, street trees and decorative, pedestrian-scale lighting
- Provide safe facilities for pedestrians, schools buses, and bicyclists using the road right-of-way
- Connect to a network of greenways/trails, wherever possible
- Continue to follow the lot size requirements of the Groundwater Recharge Area Protection Ordinance
- Assure compatibility of infill development with surrounding neighborhoods
- Require residential subdivisions accessing a highway to be interconnected and to provide at least two entrances
- Allow higher density development if water/sewer infrastructure can be provided
- Encourage conservation subdivisions
- Provide active and passive recreation opportunities for area residents



The Emerging Suburban character area seeks to encourage the connectivity depicted on the bottom of the diagram and discourage conventional suburban sprawl shown in the top of the diagram.

Primary Land Uses

- Single-family residential
- Passive and active recreation
- Civic/institutional

Quality Community Objectives

- Housing Choices
- Open Space Preservation
- Transportation Alternatives
- Sense of Place

Implementation Strategies

- Adopt a Conservation Subdivision Ordinance
- Adopt a Landscape and Buffer Ordinance
- Continue to enforce the existing Groundwater Recharge Area Protection Ordinance
- Adopt a Tree Protection/Replacement Ordinance
- Adopt maximum lot coverage requirements



49. 212

A certified copy of said resolution is attached hereto, marked EXHIBIT A 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 any wise appertaining, to the only proper use, benefit and behoof of Edward D. Lacey the said party of the second part, his heirs and assigns, forever, IN FEE SIMPLE.

And the said party of the first part, will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has herunto set its hand and affixed its seal, by and through its proper officers, this the 1st. day of August, 1952.

Signed, sealed and delivered in the presence of: CITY OF FAIRMOUNT, GEORGIA. SEAL

Attest: Marie Eleanor Thompson BY: H. E. Banks SEAL
City Clerk & Treasurer Mayor Pro. Tem.

L.S. Vincent, J.P. (corporate seal affixed.)
Jury Affixed.

Filed and recorded this December 13, 1960.
Floyd Whittmore, CSC.

R.H. Acree
to
John H. Slagle
WARRANTY DEED

STATE OF GEORGIA, GORDON COUNTY:

THIS INDENTURE, made this 13th day of December in the year of Our Lord One Thousand, Nine Hundred and Sixty between R.H. Acree of the County of Gordon and State of Georgia of the first part and John H. Slagle of the County of Gordon and State of Georgia of the second part;

WITNESSETH: That the said party of the first part for and in consideration of the sum of ~~Seventeen Thousand and No/100~~ 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, his heirs and assigns,

All that tract or parcel of land lying and being in Land Lots Nos. 206 and 208 in the 7th District and 3rd Section of Gordon County, Georgia containing 320 acres, more or less, and being all of said lots, and bounded as follows: On the North by land of Mrs. Nellie Moss; On the East by land of Z.V. Johnston Estate and John Baxter; on the South by land of H.L. Walter; on the West by lands of Lloyd Langston and lands of Tina Lewis.

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 any wise appertaining, to the only proper use, benefit and behoof of John H. Slagle the said party of the second part, his heirs and assigns, forever, in fee simple.

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed and delivered in the presence of: R.H. Acree SEAL

Mr. J.D. Meadows, Jr.
Henry T. Lawrence
Not. Public at Largo.

Filed and recorded this December 13, 1960.
Floyd Whittmore, CSC.

R.L. Mitchell
to
Jerry D. Bennett & Linda Sue Bennett
WARRANTY DEED

STATE OF GEORGIA, GORDON COUNTY:

THIS INDENTURE, made this 13th day of December, in the year of Our Lord One Thousand, Nine Hundred and Sixty between R.L. Mitchell of the County of Gordon and State of Georgia of the first part and Jerry D. Bennett and Linda Sue Bennett of the County of Gordon and State of Georgia, of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ~~Ten Dollars and Other Valuable consideration~~ 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 parties of the second part, their heirs and assigns, all that tract or parcel of land lying and being in Land Lots 143 and 144 of the 15th District, 3rd Section of Gordon County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the Easterly side of the Bowden Ford Road, said beginning point being located One Hundred Ten Feet (110') Southerly from

the intersection formed by the Easterly side of said Bowden Ford Road and the Northerly side of the public road leading from said Bowden Ford Road to Rome, Georgia; running thence Easterly along a line forming an interior angle of 90 degrees with the Easterly side of said Bowden Ford Road One Hundred Twenty-Five Feet (125'); thence southerly along a line parallel to the Easterly side of said Bowden Ford Road Two Hundred Ten Feet (210') thence Westerly one hundred twenty-five Feet (125') to the Easterly side of said Bowden Ford Road; thence Northerly along the Easterly side of said Bowden Ford Road Two Hundred Ten Feet (210') to the point of beginning.

The above-described tract being a part of the property described in and conveyed under Warranty Deed From J.O. Yancey to R.L. Mitchell, dated September 20, 1947, a copy of said Warranty Deed Being recorded in deed book 21, page 483, Gordon County, Records.

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 them the said parties of the second part, their heirs and assigns, forever IN FEE SIMPLE.

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year first above written.

Signed, sealed and delivered in the presence of: R.L. Mitchell SEAL

E.A. Reeves
Raymond U. Clements N.P. Ga. State at Large.
My Comm. expires June 7, 1963.
Seal Affixed.

Filed and recorded this December 14, 1960.
Floyd Whittemore, CSC.

J.M. Hunt
to
Thurman Roberts
QUIT CLAIM DEED

STATE OF GEORGIA, GORDON COUNTY:

THIS INDENTURE, made this 14th Day of Dec. in the year of our Lord One Thousand Nine Hundred and Sixty between J.M. Hunt of the State of Georgia and County of Gordon of the first part and Thurman Roberts of the State of Georgia and County of Gordon of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of -----One (\$1.00) and other considerations-----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, his heirs and assigns, all that tract or parcel of land lying and being in

the 14th District and 3rd Section of Gordon County, Georgia, and being part of land lot No. 193 thereof, and more particularly described as follows: Being lot 74, of the J.M. Hunt Sub-division, according to a plat of said Sub-division prepared by Peter L. Bakum, Surveyor of date October 10, 1959, a copy of said plat being recorded in the office of Clerk of Court of Gordon County, Georgia, in plat book No. 3 page 35, to which said plat Plat and record thereof reference is hereby made for a full and complete description of the land herein conveyed.

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 any wise appertaining, to the only proper use, benefit and behoof of him the said party of the second part, his heirs and assigns, forever, IN FEE SIMPLE.

And the said party of the first part, for his 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, _____ heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of: J.M. Hunt SEAL

Donald Roberts N.P. State at Large.
W.R. Hunt

Filed and recorded this December 15, 1960.
Floyd Whittemore, CSC.

Thurman Roberts
to
Tom Greeson
WARRANTY DEED

STATE OF GEORGIA, GORDON COUNTY:

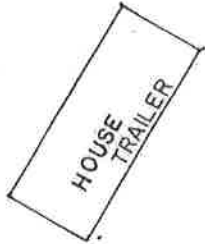
THIS INDENTURE, Made this 6th day of Aug., in the year of Our Lord One Thousand Nine Hundred and 60 between Thurman Roberts of the State of Ga. and County of Gordon of the first part and Tom Greeson of the State of Georgia, and County of Gordon of the second part. see page # 214.

N 48°01'-02" W 91.60' TO
INTERSECTION OF ADAIRSVILLE
SHAW ROAD.

N 82°55'-59" E
222.28'

I.P.S.

PORTION OF LAND LOT NO.143
15th DISTRICT, 3rd. SECTION OF
GORDON COUNTY, GEORGIA



FIELD WORK WAS DONE BY USING A
06 THEODOLITE AND A EDM

- AREA -
67,189.0248 Sq.ft
1.5424 ACRES



Samuel A. Reed
SAMUEL ARCH REED
Ga. Reg. L. S. No. 794

THIS PLAT SUBJECT TO ALL EASEMENTS AND
RIGHT OF WAYS.

IN MY OPINION THIS PLAT IS
CORRECT REPRESENTATION
THE LAND PLATTED AND
BEEN PREPARED IN CONFORM
WITH THE MINIMUM STANDARDS
AND REQUIREMENTS OF LAW.
J-1011

-NOTE-

I.P.F. = IRON PIN FOUND
I.P.S. = IRON PIN SET

LOT SURVEY
FOR

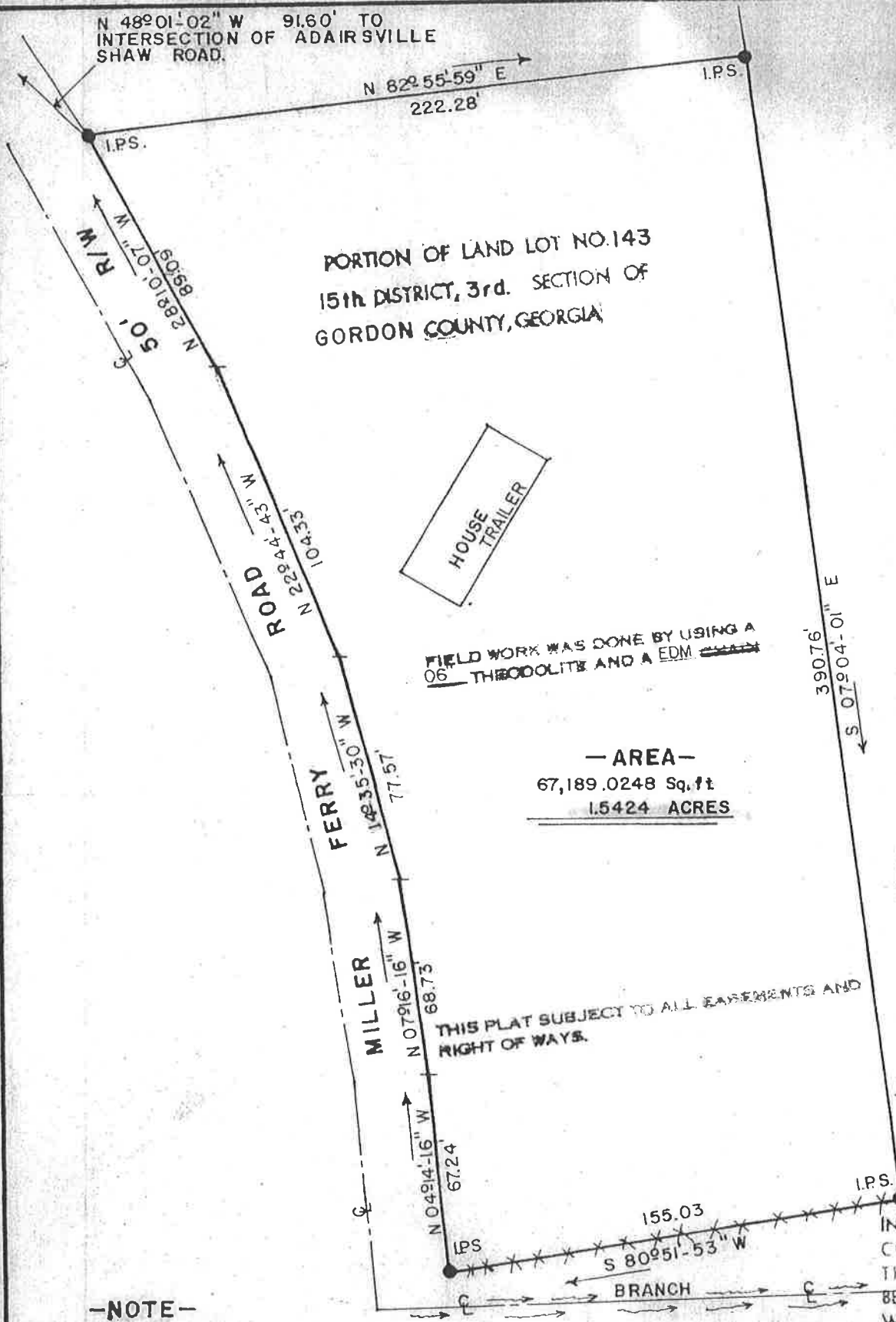
JERRY & LINDA BENNETT
GORDON COUNTY, GEORGIA

NORTH GEORGIA
SURVEYORS

CALHOUN, GA. PHONE: 625-2817

SCALE: 1" = 50'

DATE: 08-21-86



CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z17-07
APPLICATION NAME Adam & Rosa Bennett
TYPE OF ZONING: A-1 to R-6
DATE: 4/24/2017
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property is served by a 12" 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.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT


Application # 217-07 Bennett A-1 to R-6

Date: 4/11/17

Reviewed by: 

ROAD DEPARTMENT

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

The Bennett's family will need to pick up permit for inspection for new driveway installation. That will be coming off Miller Ferry rd. 

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 217-07 Bennett A-1 to R-6

Date: 4/11/17

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.



4/21/17

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 217-07 Bennett A1 to R-6

Date: 4/11/17

Reviewed by: Christy Blair

Environmental Health

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

Division won't affect septic system for existing MH (see attached layout from 5-2-02).

New tract will require a level 3 soil study prior to septic application.