

INFORMATION SHEET FOR REZONING REQUESTS

Application # 218-11 DATE OF READING 06-05-18

REZONE FROM A-1 TO R-1

APPLICANT Benjamin Kody Timms

OWNER _____

LOCATION OF PROPERTY Erwin Hill Church Rd

Adairsville GA

DESCRIPTION OF PROPERTY
2.72 ACRES

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

- Denial

STIPULATIONS:

REZONING APPLICATION #Z18-11, BENJAMIN KODY TIMMS

Chairman Rule read rezoning application #Z18-11, Benjamin Kody Timms, requesting to rezone a 2.72 acre tract located on Erwin Hill Church Road, Adairsville from A-1 to R-1. Mr. Timms represented the request explaining that he had bought this property in the fall to build a home for himself but has since lost his job and needs to sell the property and rezoning it would make it easier to sell. Many adjoining and area homeowners spoke in opposition to the R-1 rezoning request and stated they would be fine with RA-1 zoning with reasons such as: R-1 could make it possible for as many as 4 homes to be placed on this tract and it would take away from this rural community setting. Those opposing speakers were: Jason Harrison, Sue Daniel, Blake Howell, Alan Short, Bobby Carney, and Patti Williams. Mr. Timms was not sure why they were concerned that there were not any plans to develop the property. Planning Commission member Butch Layson ask if he had considered an RA-1 zoning and Mr. Timms said he would like to have the R-1 zoning. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-11 be approved, however feels that the RA-1 zoning would be a better fit.

Butch Layson made the motion to deny the rezoning application identified as #Z18-11 from A-1 to R-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for denial was sent to the Board of Commissioners.

REZONING APPLICATION #Z18-12, THE O'SHIELDS ESTATE
(Executor: Cheryl Johnston)

Chairman Rule read rezoning application #Z18-12, The O'Shields Estate, (Executor: Cheryl Johnston), requesting to rezone 1.01 acres located at 476 Union Grove Church Road, Calhoun from A-1 to R-1. Ms. Johnston represented the request explaining that she was dividing the estate of her late mother and the original property was 6.02 acres and this 1.01 acres has an existing home so she needs to bring it into compliance. Dianne Williams, an adjoining property owner, spoke with concerns of Ms. Johnston's nephew who lives in the mobile home and gets on her property. Ms. Williams was advised to speak with the Gordon County Ordinance officer with her complaints. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-12 be approved.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z18-12 from A-1 to R-1. Nathan Serritt 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: 218-11 Present Zoning: A1 Proposed Zoning: R1

Date of Planning Commission Meeting: 5/14/18

Date of Board of Commissioners' Meeting: 6/5/18

Applicant: Benjamin Kody Timms

Property Owner: (if different from applicant) _____

Property Address: Erwin Hill Ch. Rd., Adairsville GA 30103

Said Property having a frontage of 209.9 feet and containing 2.72 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A1

Proposed Action: Change zoning from A1 to R1

Reason for Proposed Action: to build a home

Property was subdivided.

Directions to Property: Take Hwy 53 from Calhoun to fairmount, turn right on Plainview Rd then left on Erwin Hill Church Rd. Property is on the left. 1/4 mile on Lt.

Map 069-005

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: April 27, 2018

Application # Z18-11

Applicant/ Property Owner: Benjamin Kody Timms

Location of Property: Erwin Hill church Rd., Adairsville GA 30103

Property Frontage: 209.9 Lot_Feet **Tract Size:** 2.72 acres

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

Reasons for Proposed Action: The property had been subdivided and I need to rezone it in order to bring it into compliance to build a house.

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:*** No issues with EH.
- ***Building Department:*** N/A
- * ***Fire Department:*** O.K.
- * ***Gordon County School System:*** N/A
- * ***Road Department:*** Driveway for new construction must be approved by the Public Works Dept.
- * ***Georgia Dept. of Transportation:*** N/A
- * ***Water & Sewer (City of Calhoun):*** This property is served by a 2" 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 A-1, Agricultural zoning used for residential purposes, also R-1, Low Density Residential in close proximity.

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 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.

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 and/or may impede on traffic flow since there will be no work performed there.

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 Suburban on the Gordon County Future Development Map. The primary land uses are Single-family residential, Passive and active recreation, and Civic/institutional.

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 property was subdivided and cannot be built on unless rezoned, also, it is consistent with the Future Land Use Map.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-11 is recommended for approval, *however, I think a RA-1 District would be a better fit.*

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

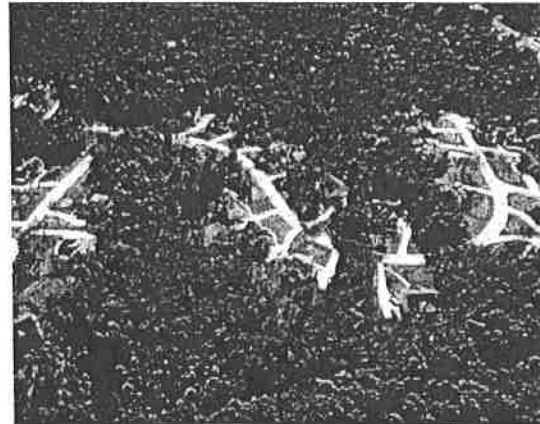
- Agricultural
- Low-intensity single-family residential
- Passive recreation

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.

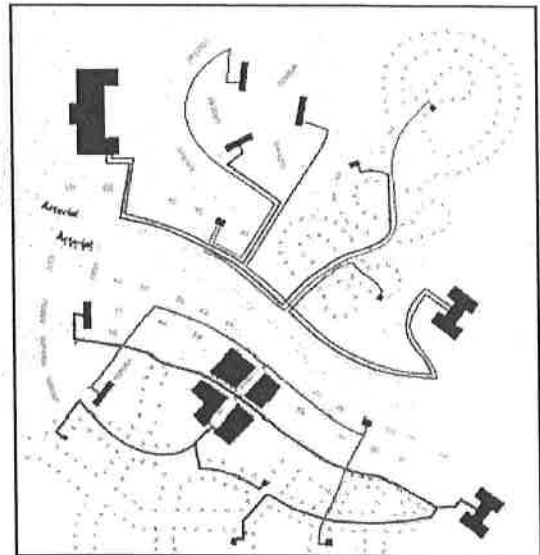


7. Emerging Suburban (con't.)

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



eFiled & eRecorded
 DATE: 10/4/2017
 TIME: 9:26 AM
 PLAT BOOK: 00054
 PAGE: 00128
 RECORDING FEE: 8.00
 PARTICIPANT ID: 7981764245
 CLERK: Grant Walraven
 GORDON County, GA

RETRACEMENT SURVEY

FOR
Benjamin K. Timms

GORDON County, Georgia

LOCATED IN LAND LOT 67, 6th DISTRICT &
 3rd SECTION OF GORDON COUNTY, GEORGIA



This block is reserved for the Clerk of the Superior Court.

Date of field work: 9/28/2017
 Date of plat: 9/29/2017



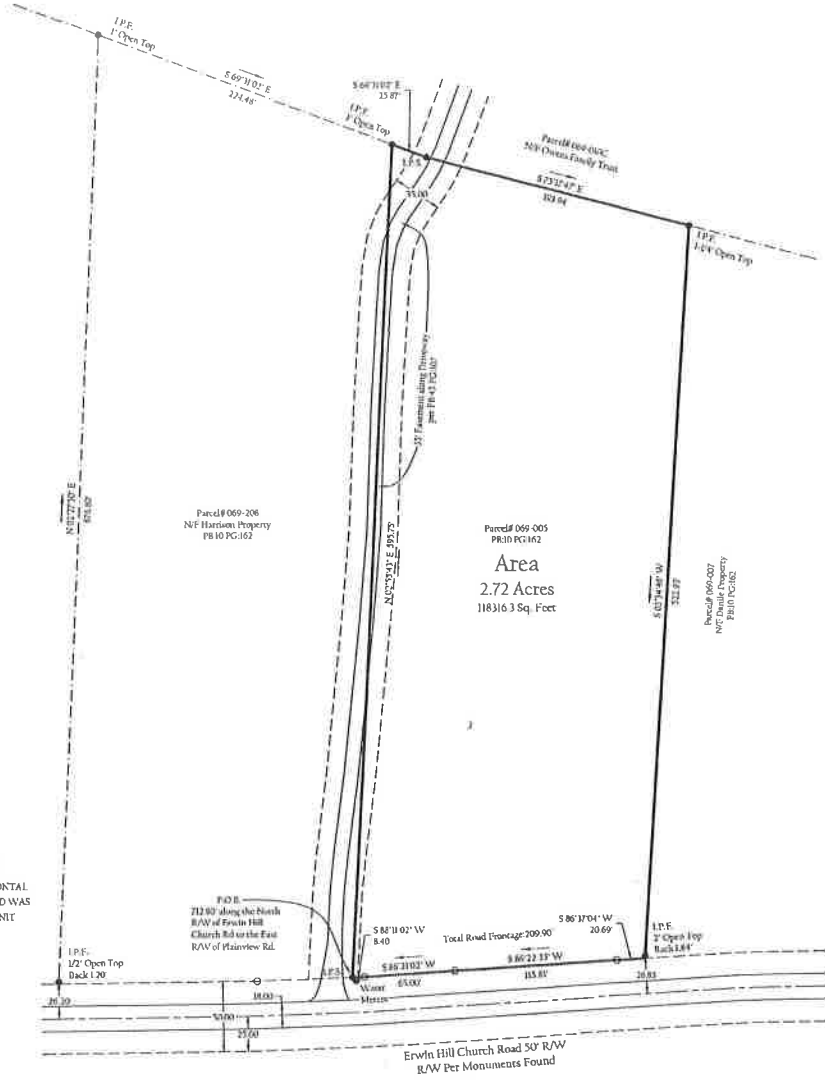
Note: The property surveyed hereon is all of
 Parcel# 069-005
 Current Zoning: A1

- LEGEND —
- I.P.F. - IRON PIN FOUND
 - I.P.S. - IRON PIN SET
 - R.W. - RIGHT OF WAY
 - P.L. - PROPERTY LINE
 - L.L.L. - LAND LOT LINE
 - S. - POWER POLE
 - C. - CENTER LINE
 - X - X - X - FENCE LINE
 - ☒ - CONC. B/W MARKER
 - 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: 11129C - 0200D

THIS PLAT SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY.
 THIS PLAT HAS BEEN CALCULATED TO HAVE A CLOSURE OF 1 IN 100,000.
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED ON HAS A HORIZONTAL PRECISION OF 0.03 FEET AND A VERTICAL PRECISION OF 0.04 FEET AND WAS OBTAINED BY USING THE SOKKIA GRX-1 BASE STATION AND ROVER UNIT TO PRODUCE A R.T.K. NETWORK SURVEY.
 FIELD WORK WAS DONE BY USING A SOKKIA GRX-1 GPS SYSTEM & CARLSON DATA COLLECTOR.



SURVEYORS CERTIFICATION

This survey is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Michael Paul Bunch
 Michael Paul Bunch GA RLS #33350 9/29/2017



North Georgia SURVEYING
 262 Erwin Road S.E.
 Calhoun, GA 30701
 706-625-1046

Recorded 12/28/2017 3:16
Doc: WD Rcpt#: 322320
TRANSFER TAX: 28.00
TRANSFER TAX ID: 0642017002379
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2113 Pg: 121

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1267 Curtis Parkway SE
P.O. Box 2500
Calhoun, GA 30703
File #0917G050

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 5th day of October, 2017 between **DAVID LAMAR HARRISON AND JASON KEITH HARRISON**, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **BENJAMIN K TIMMS**, 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 67 of the 6th District and 3rd Section of Gordon County, Georgia; and being 2.72 acres as per plat recorded in Plat Book 54, Page 128, 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.

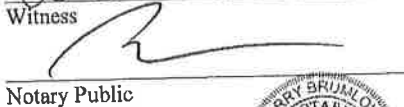
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

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.

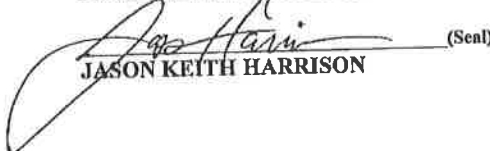
Signed, sealed and delivered in the presence of:


Witness


Notary Public



 (Seal)
DAVID LAMAR HARRISON

 (Seal)
JASON KEITH HARRISON

DEPARTMENT REVIEW – ENVIRONMENTAL HEALTH

Application # Z18-11 Timms A-1 to R-1

Date: 4/26/18

Reviewed by: Christy Blair

Environmental Health

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

No issues with EH

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 218-11 Timms A-1 to R-1
Date: 4/27/18
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.
4/27/18

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 218-11 Timms A-1 to R-1

Date: 1-25-18

Reviewed by: Rusty Hagan / Steve Parris

ROAD DEPARTMENT

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

Driveway For New Construction
must be approved by the
Public Works Dept.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-11
APPLICATION NAME Benjamin Kody Timms
TYPE OF ZONING: A-1 to R-1
DATE: 4/27/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 2" 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.