

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-20 DATE OF READING 9/18/18
REZONE FROM R-1 / A-1 TO C-G general commercial

APPLICANT JASON DAVIS + JAMIE DAVIS

OWNER _____

LOCATION OF PROPERTY 703 Newtown Loop
Calhoun, GA. 30701

DESCRIPTION OF PROPERTY
1.76 ACRES

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

1. Approval

STIPULATIONS:

It meets the requirements from Public Works Department to install a commercial driveway

REZONING APPLICATION #Z18-20, JASON DAVIS & JAMIE DAVIS

Chairman Rule read rezoning application #Z18-20, Jason Davis and Jamie Davis, requesting to rezone a 1.76 acre tract located at 703 Newtown Loop, Calhoun from R-1 and A-1 to C-G. Mr. Jamie Davis represented the request explaining that they had purchased this existing business known as Poarch's Parts and would like to continue the business but that they need to bring it into compliance with zoning regulations. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-20 be approved with the stipulation that it meets the requirements from the Gordon County Public Works Department to install a commercial driveway.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z18-20 from R-1 and A-1 to C-G with the stipulations required by the Gordon County Public Works Department. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V18-15 & REZONING APPLICATION #Z18-21, WILLIAM BRUCE STOCKS

Chairman Rule read variance application #V18-15 and rezoning application #Z18-21, William Bruce Stocks, for a 2 acre tract located at 640 Newtown Road, Calhoun. Terry Brumlow, a local attorney, represented the applications explaining that Mr. Stocks request to rezone to C-H, the existing barn and land in order to comply with the ULDC and be able to use the barn and equipment for multiple purposes and request a variance to reduce the county requirements for road frontage on Commercial zoning (if approved) from 100 feet to a 20 foot easement. He also added that this driveway has been in place since the early 90's along with the barn. To meet the ULDC requirements and keep the farm covenant, he subdivided these 2 acres because he uses the barn for his farm, running around 75 head of cattle on 160 acres, and also uses the barn as storage for equipment in his soil and erosion business that is done at other sites. Adjoining and area homeowners who spoke in opposition were: Carla Burnett, Katherine Luhrman, Charles Luhrman, Larry Burnett, Darlene Bonham and Scott Burnett presenting photos and arial views of scrap metal, trucks, bobcats, etc. and voicing their concerns about the noise, dust, traffic, decreased property values, decreased peaceful serenity of the area, safety issues for their children and grandchildren, and that Mr. Stocks has other resources and multiple other locations he could operate from. Mr. Brumlow and Mr. Stocks again addressed the planning commission about these issues mentioned. Mr. Brumlow stated that there had been a lot of traffic recently moving material to other locations so as to comply. The equipment that is on site is also used on the farm. There will be 550 and 350 pickups using the driveway daily, but maybe only 2 larger trucks weekly. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V18-15 be approved as requested and on the rezoning request identified as Application #Z18-21 be approved with the stipulation that when the business ceases to be operational from this property, the zoning shall revert back to A-1.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 218-20 Present Zoning: R-1/A-1 Proposed Zoning: C-G

Date of Planning Commission Meeting: September 10, 2018

Date of Board of Commissioners' Meeting: September 18, 2018

Applicant: Jason Davis & Jamie Davis

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

Property Address: 703 Newtown Loop, Calhoun, GA 30201

Said Property having a frontage of 200.40 feet and containing 1.76 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: R-1, Low density residential / A-1, Agricultural

Proposed Action: Would like to rezone existing Lawn Mower Repair, Parts place to commercial to bring into compliance w/zoning.

Reason for Proposed Action: Property was subdivided & need to bring into compliance to continue business. Was previously known as Poarch's Parts.

Directions to Property: Red Bud Rd. turn left onto Newtown Loop, go around curve until #703 on the right.

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

Date of Report: August 24, 2018

Application # Z18-20

Applicant/Property Owner: Jason Davis & Jamie Davis

Location of Property: 703 Newtown Loop, Calhoun, GA 30701

Property Frontage: 200.40 Lot Feet Tract Size: 1.76 acres

Proposed Action: Rezone from R-1, Low Density Residential (0.88+/- acres) and A-1, Agricultural District (0.88+/- acres) to C-G, General Commercial.

Reasons for Proposed Action: I would like to rezone the existing "Poarch's Parts" lawn mower repair/parts store to Commercial to bring into compliance with zoning. Property was recently subdivided and a portion of the property was zoned residential years ago.

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 w/ EH.
- *Building Department:* N/A
- * *Fire Department:* O.K.
- * *Gordon County School System:* N/A
- * *Road Department:* Must receive a driveway permit from Gordon County Public Works Dept. Property requires a different driveway than residential. Per R. Hogan / This will require a commercial driveway permit. Per Steve Paris
- * *Georgia Dept. of Transportation:* N/A
- * *Water & Sewer (City of Calhoun):* This property is served by an 8" 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 immediate surrounding properties are primarily residential with A-1, Agricultural zoning on smaller tracts of land. Small portion of R-1, Low Density Residential to the south and west.

2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent or 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 is incorrectly zoned with the existing business in place. The portion of the property was rezoned on June 18, 1996, (#0211) to R-1, Low Density Residential by the previous owner.

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 impede on traffic flow since this business has been in existence since being registered in 2005.

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. This classification supports land uses intended for residential, light commercial and parks/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 compatible with our Future Land Development Map. This was registered as a neighborhood business when Gordon County started the Business License Program. Zoning was not an issue then, its primary goal was to get all the business's registered.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-20 is recommended for approval with the stipulation that it meets the County Public Works Dept. requirements.

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

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway SE
P.O. Box 2500
Calhoun, GA 30703
File #0718G774

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 30th day of July, 2018 between **DARRELL POARCH**, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **WILLIAM JASON DAVIS AND JAMIE C. DAVIS**, 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 161 of the 14th District and 3rd Section of Gordon County, Georgia; and being part of Lot 42 and Lots 43 and 44 of New Town Creek Estates as per plat entitled "Redivision of Lots 42-A New Town Creek Estates" recorded in Plat Book 33, Page 193, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

Less and Except that 0.875 from an acre conveyed to Gary E. Chamblee by Warranty Deed from Robin Poarch recorded August 26, 1997 and recorded in Deed Book 520, Page 514, Gordon County, Georgia Public Records.

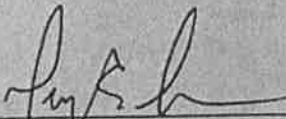
This Deed is given subject to all easements and restrictions of record, if any.

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)
DARRELL POARCH





LEGEND

---	LAND LOT LINE
- - - -	TOWNSHIP LINE
---	SECTION LINE
---	NEIGHBORHOOD LINE
---	SECTION CORNER MARK
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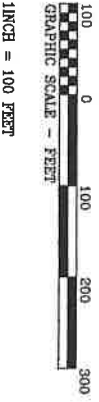
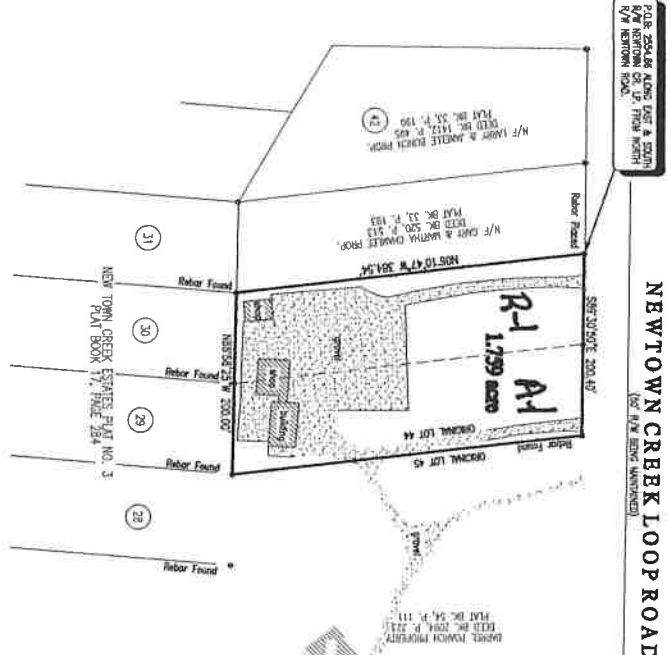
NOTES

1. HORIZONTAL CONTROL IS FEDERAL STATE PLANE WITH ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83).
2. ALL POINTS ARE ADJUSTED TO THE STATE PLANE WITH ZONE COORDINATE SYSTEM BY THE METHOD OF LEAST SQUARES ADJUSTMENT.
3. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
4. ALL ANGLES ARE IN DEGREES AND MINUTES.
5. ALL BEARINGS ARE IN STANDARD POSITION.
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20. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SURVEYORS CERTIFICATION

I, **JASON DAVIS**, a duly licensed and qualified land surveyor under Chapter 54-2-3 of the Official Code of Georgia Annotated, certify that I am the author of the foregoing plat, and that it is a true and correct representation of the survey work performed by me and my assistants on the date herein specified. I am a duly licensed and qualified land surveyor under Chapter 54-2-3 of the Official Code of Georgia Annotated, and I am not a member of the Georgia Board of Land Surveyors and I am not a member of the Georgia Board of Professional Surveyors.

DATE: 07/12/2018



THIS PROPERTY DOES NOT INCLUDE THE LAND SHOWN IN THE ATTACHED SURVEYING PLAT.

	CLASS & ASSOCIATES LAND SURVEYORS, P.C. PROFESSIONAL SURVEYING SERVICES		MINOR SUBDIVISION SURVEY PREPARED FOR JASON DAVIS BEING A MORTGAGE CUT OUT OF TAX P.N. 055A 038 LOCATED IN LAND LOT NUMBER 161 14TH, DISTRICT, 3RD, SECTION GORDON COUNTY, GEORGIA.		
	MAILING ADDRESS P.O. BOX 873 CALHOUN, GA 30703 gclasssurveying@yahoo.com		PHONE: 706-629-2260 FAX: 706-629-0277		
	FILE NO. 18111DAVIS				
CREDIT FILE 105289.CHD DATE OF PLAT: 07/12/2018 DATE OF FIELD WORK: 10/12/2018		DATE: 07/12/2018 DESCRIPTION:		SHEET 1 OF 1	

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z18-20 DAVIS R1/AH to C-G

Date: 8/23/18

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

No issues w/ EH

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 218-20 DAVIS R-1/A-1 to C-G

Date: 8/22/18

Reviewed by: JOEY JORDAN

FIRE DEPARTMENT

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

OK.
Ⓟ 8/22/18

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # Z18-20 DAVIS R1/A1 to CG

Date: _____

Reviewed by: _____

PUBLIC WORKS DEPARTMENT

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

Must receive Driveway Permit
From Public Works Dept. Commercial
Property requires Different Driveway than Residential.
R. Agos

This will require commercial driveway permit
S

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-20
APPLICATION NAME Jason & Jamie Davis
TYPE OF ZONING: R-1/A-1 to C-G
DATE: 8/24/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" water line.

SEWER COMMENTS:

No City sewer 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.