

INFORMATION SHEET FOR REZONING REQUESTS

Application # 219-16 DATE OF READING 11-5-19

REZONE FROM A-1 TO RA-1

APPLICANT FRANK Eugene Wilson, Jr.

OWNER _____

LOCATION OF PROPERTY 5458 Nickelsville Rd NE
Resaca, GA

DESCRIPTION OF PROPERTY
2.06 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 14, 2019**

The Gordon County Planning Commission held a Public Hearing on Monday, October 14, 2019 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	Eddie Smith
Jerry Lovelace	Nathan Serritt
Butch Layson	

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 9, 2019. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z19-16, FRANK EUGENE WILSON, JR.

Chairman Rule read rezoning application #Z19-16, Frank Eugene Wilson, Jr., requesting to rezone a 2.06 acre tract located at 5458 Nickelsville Road, Resaca from A-1 to R-6. Mr. Wilson represented the request explaining that he would like to rezone to bring into compliance because the property was subdivided in 2016 with an existing mobile home and now they are trying to replace the mobile home because it burnt. Randy Rule stated it would be a better fit to rezone to RA-1 since he had over 2 acres and Mr. Wilson agreed to go with the RA-1 zoning. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z19-16 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.

REZONING APPLICATION #Z19-17, CARY GENTRY

Chairman Rule read rezoning application #Z19-17, Cary Gentry, requesting to rezone an 8.22 acre tract located on Erwin Hill Road, Adairsville from A-1 to RA-1. Mr. Gentry represented the request explaining that he would like to rezone and subdivide into 4 tracts of 2 acres each, then construct 4 new homes for resale. Ray Tierce, an adjoining property owner, spoke with concerns that Mr. Gentry might place mobile homes on the property which would affect his property value. Jennifer Beason, an area property owner, spoke with concerns of the water that would flood this property when we have heavy rains. All adjoining property owners had been notified.

Cover Sheet
Proposal for Land Use Action

Application Number: Z19-16 Present Zoning: A-1 Proposed Zoning: R-6

Date of Planning Commission Meeting: October 14, 2019

Date of Board of Commissioners' Meeting: November 5, 2019

Applicant: Frank Eugene Wilson Jr.

Property Owner: (if different from applicant) Frank Wilson Jr.

Property Address: 5458 Nickelsville Rd Resaca GA

Said Property having a frontage of 217.37 feet and containing 2.06 acres.

Future Development Map Classification: Rural/Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural District

Proposed Action: Would like to rezone property to bring it into compliance with zoning.

Reason for Proposed Action: Property was subdivided in 2017 with an existing mobile home. We are trying to replace the mobile home because it burnt. the other tract was rezoned to R-1 for a house.

Directions to Property: Hwy 225 N / r+r Hwy 136 go @ 5-6 miles on left. #5458

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

Rezoning Proposal

Date of Report: September 27, 2019

Application # Z19-16

Applicant/Property Owner: Frank Eugene Wilson Jr.

Location of Property: 5458 Nickelsville Rd. NE, Resaca, GA 30735

Property Frontage: 217.37 Lot Feet **Tract Size:** 2.06 acres

Proposed Action: Rezone from A-1, Agricultural District to R-6, Manufactured Housing

Reasons for Proposed Action: The property was subdivided in 2016 into two (2) tracts with an existing mobile home on this tract. The other tract was rezoned R-1, #Z16-29, for a house from a separate owner. We are trying to replace the mobile home because it burnt with another one. I need to bring the property into compliance with the ULDC.

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 EH concerning the Zoning. 2 septic records we have are attached.
- * ***Building Inspection Department:*** N/A
- * ***Fire Department:*** OK.
- * ***Gordon County School System:*** N/A
- * ***Road Department:*** N/A.
- * ***Georgia Dept. of Transportation:*** N/A
- * ***Water & Sewer (City of Calhoun):*** This area 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 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.

The 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 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 cannot be further developed as currently zoned because it is less than the minimum five (5) acre lot size requirement for A-1 zoning and it cannot be used for residential purposes as currently zoned.

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 or impede on 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 Reserve on the Gordon County Future Development Map. This classification supports land uses intended for large lot residential, agricultural, agribusiness, conservation, 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 compatible 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 #Z19-16 is recommended for approval.

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

RURAL/AGRICULTURAL RESERVE

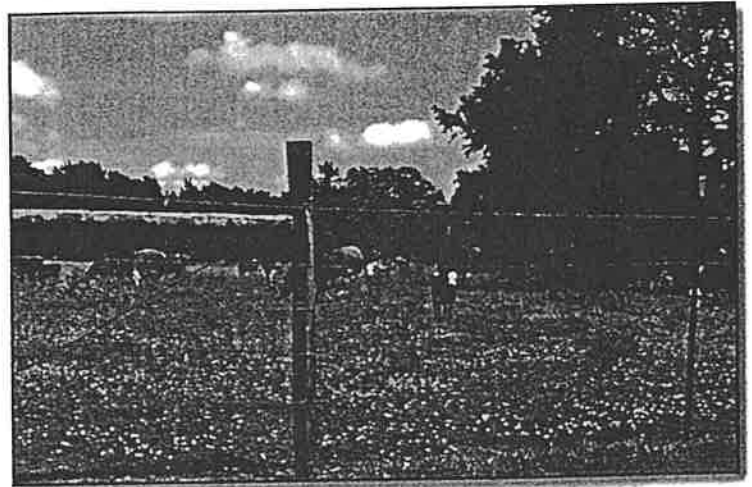
Description:

These are rural areas, away from Interstate 75 and the Calhoun Metropolitan Area. This part of the county consists of rural residential homes and family farms typically not served by sewer. The poultry industry has also seen tremendous growth in these parts of the county. Much of the County's floodplain lies within these areas providing for potential greenspace and recreational development.

Development

Strategies/Policies:

- ❖ Infrastructure: Limiting expansion of sewer to these areas will prevent over development if the county hopes to retain the rural character of this area. However, internet access in these areas is becoming increasingly important, particularly for students doing school assignments. Roads should only be widened when absolutely necessary. Zoning is another opportunity to prevent sprawl and over development.
- ❖ Conservation Easements: Many properties in these areas could take advantage of conservation easements. These are an opportunity to protect greenspace and natural resources. Conservation efforts are especially important along rivers and creeks.
- ❖ Agribusiness development: There is a growing market for locally produced products, whether fruits and vegetables, meats and cheeses, or even local wine production. North Georgia has seen explosive growth in the development of wineries and vineyards. Ensure that zoning and local ordinances allow for the development of such opportunities. These can also be tourism draws.
- ❖ Zoning: Protect the character of this area by zoning it for large lot residential and agricultural. Agribusiness properties should allow for enough of a buffer to prevent things like manure odors and insecticide overspray from adversely affecting the quality of life for neighboring residences.



Cows and calves, Highway 53.

Land Uses:

Large lot residential, agricultural, agribusiness, conservation, passive recreation (i.e. fishing, hunting)

Recorded 10/20/2016 1:35
Doc: MD Rec#: 315872
TRANSFER TAX ID: 064001866
Grant Mairaven, C.S.C.
GORDON County, Ga
DEED BK: 2035 Pas: 499-500

DEED ONLY, NO TITLE OPINION

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

THIS INDENTURE, made this 17 day of Oct in the year of our Lord
Two Thousand and Sixteen, between

MALISSA LEWALLEN
as Grantor, and

FRANK E. WILSON, JR.
the Grantee.

In this deed, where the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be considered to mean as well, the heirs, executors, administrators, successors, representatives and assigns of the same.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the GRANTEE, the following described property:

All that tract or parcel of land lying and being in the 8th District and 3rd Section of Gordon County, Georgia, being part of Land Lot No. 277 thereof, and more particularly described as follows: BEGINNING at a point on the Northerly right-of-way line of the Nicholsville Road (State Route 136), said point begin where the East line of property owned by Nannie Maude Thompson Weaver intersects said right-of-way line. Thence running North along and with said Weaver property line for a distance of 405 feet to an iron stake on the South line of property owned by Hiwassee Land Company; thence running East along and with said Hiwassee Land Company property for a distance of 370 feet to an iron pin at the West line of other property owned by Harrison Brown; thence running South along and with Thompson's West property line for a

distance of 405 feet to an iron pin on the North right-of-way line of said Georgia State Route 136; thence running in a Westerly direction along and with said State Route 136 for a distance of 370 feet to the point of beginning.

Said tract containing 3.44 acres, and bounded as follows: On the North by property of Hiwassee Land Company; on the East by property of Harrison Brown and property of Jerry Thompson; on the South by Georgia State Route 136; and on the West by property of Mrs. Nannie Maude Thompson Weaver.

LESS AND EXCEPT: 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.

TO HAVE AND TO HOLD the said tract of land, 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 the said GRANTEE, his heirs and assigns, forever, in Fee Simple.

AND THE SAID GRANTOR, for himself, his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said GRANTEE, his heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, the day and year first above written.

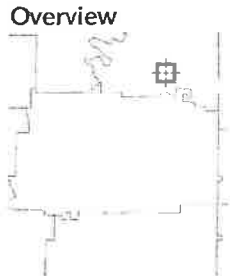
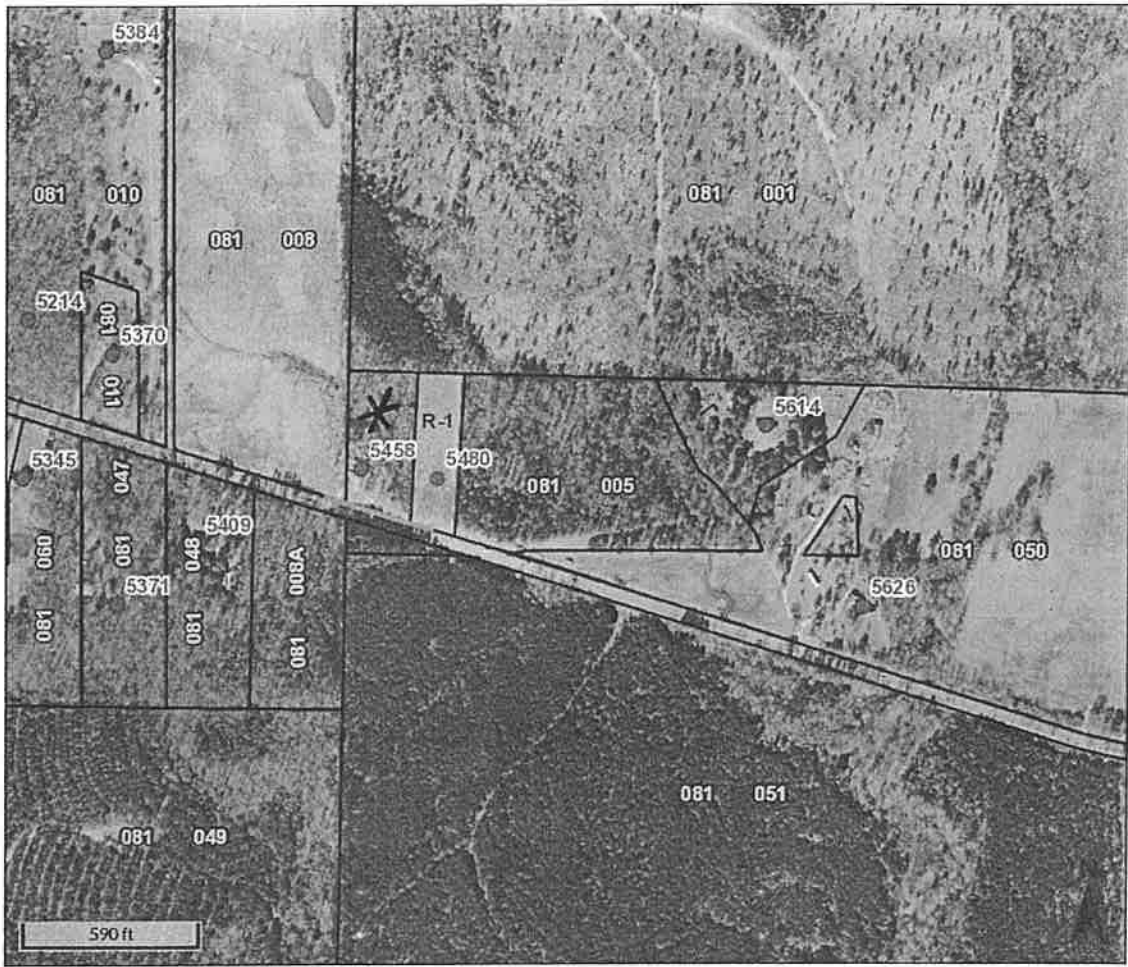
Signed, sealed and delivered in the presence of:























Malissa Lewallen (SEAL)
MALISSA LEWALLEN

Michael Y. Jackson
WITNESS

Angela D. Trostler
NOTARY PUBLIC
MY COMM. EXPIRES: 11-1-17





- Legend**
-  Parcels
 -  Address Points
 -  Roads
 -  City Labels
 - Zoning**
 -  <all other values>
 -  A-1
 -  C-C
 -  C-G
 -  C-H
 -  CU
 -  I-1
 -  I-2
 -  M-U
 -  O-I
 -  R-1
 -  R-2
 -  R-3
 -  R-4
 -  R-5
 -  R-6
 -  RA-1
 -  RC-1

Parcel ID	081 007	Owner	WILSON FRANK E JR	Last 2 Sales			
Class Code	Residential		306 T. JOHNSON RD	Date	Price	Reason	Qual
Taxing District	Countywide		RANGER GA 30734	10/17/2016	0	DG	U
	Countywide	Physical Address	5458 NICKLESVILLE RD	10/30/2015	0	DG	U
Acres	2.06	Assessed Value	Value \$22300				
(Note: Not to be used on legal documents)							

Date created: 8/27/2019
 Last Data Uploaded: 8/27/2019 6:05:01 AM

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z19-116 Wilson A-1 to R-6

Date: 9/19/19

Reviewed by: Christy Blaw

ENVIRONMENTAL HEALTH

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

Nothing needed from EH concerning the zoning.
2 septic records we have are attached.

Existing On-site Sewage Management System Performance Evaluation Report Form

Applicant: FRANK WILSON		Reason for Existing Sewage System Evaluation: Mobile Home Relocation	
Property/System Address: 5458 NICKLESVILLE RD RESACA, GA 30735			
Subdivision Name:	Lot:	Block:	
Existing System Information: Water Supply (circle)		Number of Bedrooms/GPD:	Garbage Grinder: (circle)
(1) Public <input checked="" type="radio"/> (2) Private Well (3) Community		2/0	(1) Yes <input checked="" type="radio"/> (2) No

*** One of Section A, B, or C should be Completed ***

SECTION A - System on Record

(1) Yes (2) No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: HWY 225, RIGHT ON HWY 136, PROPERTY ON LEFT, # ON MAIL BOX, NEW 14X60 MM IN SAME LOCATION AS PREVIOUS, OWNER: FRANK WILSON 706-537-5928, EXISTING MOBILE HOME WAS 3 BEDROOM, REPLACING WITH 2 BEDROOM, WELL ON PROPERTY.
(1) Yes (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
(1) Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
(1) Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist	Title:	Date:

SECTION B - System Not on Record

<input checked="" type="radio"/> Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments: EXISTING SEPTIC TANK WAS UNEARTHED DURING EXISTING SYSTEM EVALUATION ON AUGUST 28, 2014. PUMPER RECEIPT WAS PROVIDED BY BAGLEY TANK ON MARCH 21, 2018.
<input checked="" type="radio"/> Yes (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input checked="" type="radio"/> Yes (2) No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
<input checked="" type="radio"/> Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input checked="" type="radio"/> Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist	Title:	Date:
	Environmental Health Specialist IV	14-Aug-19

SECTION C - System Not Approved

(1) Yes (2) No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
(1) Yes (2) No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
(1) Yes (2) No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist	Title:	Date:

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

<input checked="" type="radio"/> Yes (2) No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments: EXISTING SYSTEM EVALUATED AUGUST 14, 2019 WITH NO SIGNS OF SYSTEM FAILURE OR DAMAGE. SEPTIC TANK SHOULD BE PROTECTED FROM BEING DRIVEN OVER.
<input checked="" type="radio"/> Yes (2) No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.	Number of Bedrooms/GPD: 2 Garbage Grinder: (circle) (1) Yes <input checked="" type="radio"/> (2) No
Evaluating Environmentalist	Title:	Date:
	Environmental Health Specialist IV	14-Aug-19



Zachary Taylor, M.D., M.S.
Interim Director, Gordon County Board of Health

310 North River Street
Calhoun, Georgia 30701
Phone 706-624-1444
Fax 706-624-1450
www.nwgapublichealth.org

According to the information provided below, our office has determined that the proposed construction and/or addition at this property should not adversely affect the proper functioning of the existing septic system.

No Septic Permit Required

Property Information		
Owner Name: Frank Wilson		
Applicant Name:		
Address: 5455 Nickelsville Rd		
City: Resaca	State: GA	Zip: 30735
Phone Number: 706-537-5928	Phone Number:	
Directions: Hwy 225, Right on Hwy 136, Property on left, # on Mail Box		
Type of Construction or Addition: 12 X 28 Storage only, no power, no water, no septic, already in place.		
Signature of Owner/Applicant:		Date: 8-26-19

Environmental Health Comments:

Building installed in area that will not interfere with existing septic system or future repair area.

If you have any questions or concerns please contact the Gordon County Environmental Health office at (706) 624-1440.

Inspector: Date: 8/27/19

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 219-116 Wilson A-1 to R-1

Date: 17 SEP 19

Reviewed by: Greg Hasty 

FIRE DEPARTMENT

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

OK with Fire Department

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z19-16
APPLICATION NAME FRANK WILSON JR.
TYPE OF ZONING: A-1 TO R-6
DATE: 9/27/2019
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THISW 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.