

INFORMATION SHEET FOR REZONING REQUESTS

Application # 219-17 DATE OF READING 11-5-19

REZONE FROM A-1 TO RA-1

APPLICANT CARY GENTRY

OWNER \_\_\_\_\_

LOCATION OF PROPERTY Erwin Hill Rd

Adairsville, GA

DESCRIPTION OF PROPERTY  
8.22 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.

Mr. Gentry stated that these homes would be brick or rock front homes and the homes will be about 1400 square feet each. He added that ditches will be added to the property to take care of run-off and flooding.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z19-17 from A-1 to RA-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V19-14, JOEY & APRIL SHIFLETT

Chairman Rule read variance application #V19-14, Joey and April Shiflett, requesting a variance for a 5 acre tract located at 129 Ridgeview Trail, Calhoun. Mr. Shiflett explained that they would like to build a 2,400 square foot metal structure for storage and the distance is needed for a baseball pitching area for his children and is asking for a 400 square foot variance. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the variance application identified as #V19-14 to allow construction of a 2,400 square foot metal structure, granting the 400 square foot variance as requested. Butch Layson seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

ADDITIONAL BUSINESS

There being no additional business, Jerry Lovelace made the motion to adjourn. Eddie Smith seconded the motion. All voted aye. The meeting was adjourned at 6:33 p.m.

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Zelda Gregg, Secretary

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Randy Rule, Chairman  
Jerry Lovelace, Vice-Chairman

**Cover Sheet  
Proposal for Land Use Action**

Application Number: 219-17 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: October 14, 2019

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

Applicant: Coey Gentry

Property Owner: (if different from applicant) DBA Gentry Property Investments, LLC

Property Address: Erwin Hill Rd.

Said Property having a frontage of 608.36 feet and containing 9.22 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Subdivided property into two (2)  
acre lots. Six lots.

Reason for Proposed Action: Zoning from A-1 to RA-1 to  
build 4 houses @ 1400 sq. ft. each.

Directions to Property: Hwy 53 to Erwin Rd. turn  
right, go to Erwin Hill Church Rd, turn left,  
go to Erwin Hill Rd, take right, property  
will be on your right.

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

**Date of Report:** September 27, 2019

**Application #** Z19-17

**Applicant/Property Owner:** Cary Gentry

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

**Property Frontage:** 608.36 Lot Feet    Tract Size: 8.22 acres

**Proposed Action:** Rezone from A-1, Agricultural District to RA-1, Residential Agricultural District

**Reasons for Proposed Action:** The property is being subdivided into four (4) tracts at two (2) acres each. Would like to construct 4 houses about 1,400 sq. ft. each.

**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:*** Christy talked to Cary Gentry on 10/11/19. He has a new plat and has combined 2 lots so now he won't fall under DPH's definition of a subdivision.
- \* ***Building Inspection Department:*** N/A
- \* ***Fire Department:*** OK. Have multiple hydrants to cover area.
- \* ***Gordon County School System:*** N/A
- \* ***Road Department:*** All these properties will need to be approved for a driveway permit through the Public Works Department.
- \* ***Georgia Dept. of Transportation:*** N/A
- \* ***Water & Sewer (City of Calhoun):*** This area is served by a 6" 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 subject property is surrounded by agricultural and low-density residential subdivisions. Some farming in the area.

***2. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.***

The proposed zoning will not adversely affect the existing use or 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 exceeds the minimum lot size requirements for A-1 zoning and has the potential to be developed accordingly.

***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 may generate additional vehicular traffic and/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 Emerging Suburban on the Gordon County Future Development Map. This classification supports land uses intended for Residential, Light Commercial, 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 the surrounding properties.

### **Planning Staff's Recommendation:**

The rezoning request identified as Application #Z19-17 is recommended for approval.

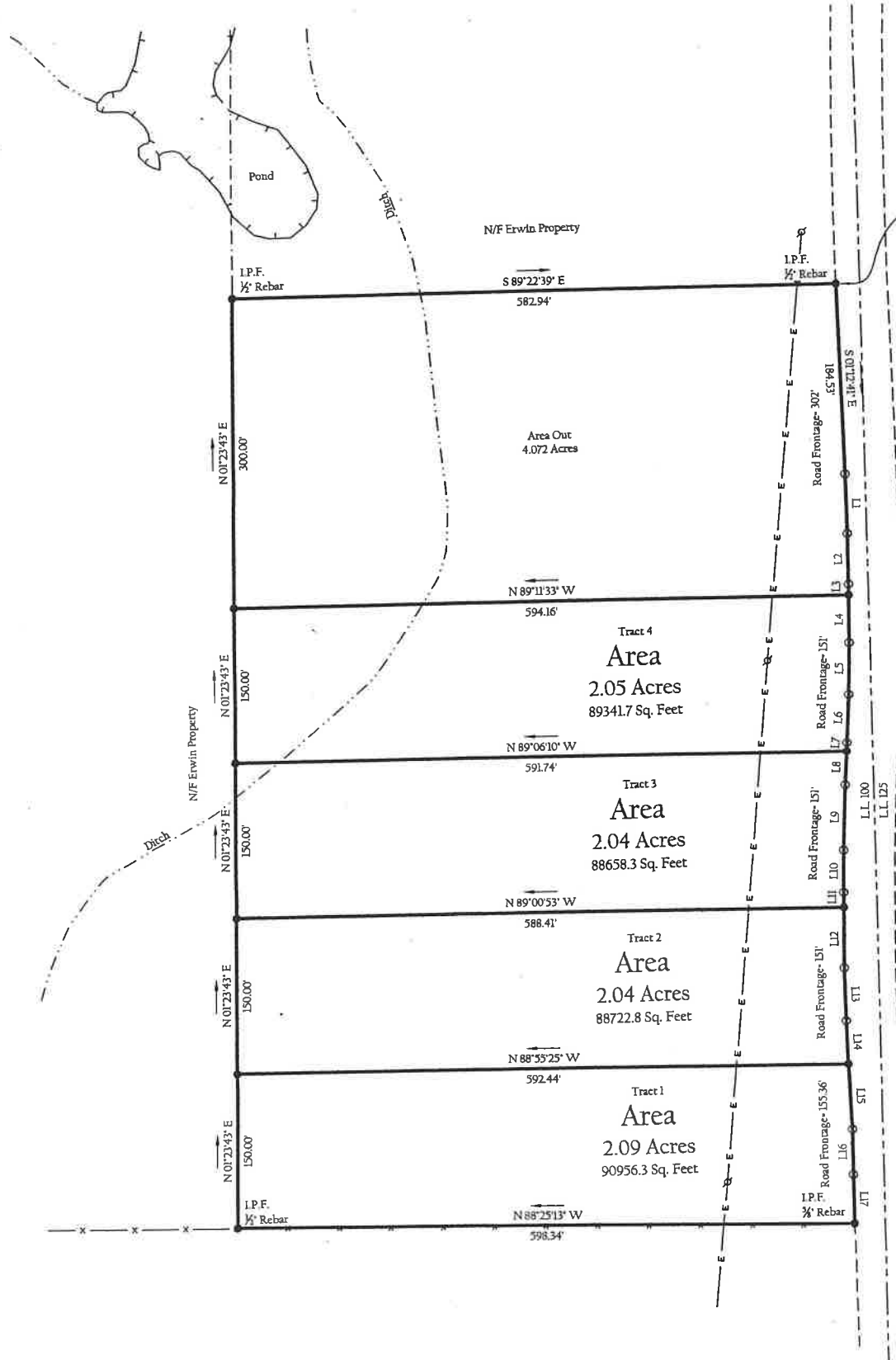
***This report is a part of the official record of the subject application***

# Gentry Property Investments, LLC

GORDON County, Georgia

LOCATED IN LAND LOT 100, 6th DISTRICT &  
3rd SECTION OF GORDON COUNTY, GEORGIA

2/2019



P.O.B.  
S 04°50'03" W 390.05'  
from the center line  
intersection of Erwin Hill  
Church Rd & Erwin Hill

Data Along

LINE	BEARING
L1	S 00°25'
L2	S 00°19'
L3	S 00°49'
L4	S 00°49'
L5	S 02°11'
L6	S 03°13'
L7	S 04°15'
L8	S 04°15'
L9	S 02°54'
L10	S 01°32'
L11	S 01°01'
L12	S 01°01'
L13	S 00°01'
L14	S 01°38'
L15	S 01°26'
L16	S 00°22'
L17	S 00°11'

Erwin Hill Road 50' R/W  
R/W Per Monuments Found

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 219-17 Gentry A-1 to RA-1

Date: 10-11-19

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

Christy talked to Cary Gentry on 10-11-19. He has a new plat and has combined 2 lots so now he won't fall under DPH's definition of a subdivision.



**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # Z19-17 Gentry A-1 to RA-1

Date: 17 SEP 19

Reviewed by: Greg Hasty [Signature]

**FIRE DEPARTMENT**

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

- HAS MULTIPLE HYDRANTS TO COVER AREA

OK with Fire Department

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**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # 219-17 Gentry A1 to RA-1

Date: 9-17-19

Reviewed by: Steve

**PUBLIC WORKS DEPARTMENT**

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

All this properties will need to be approved for a driveway permit thru the Public Works Department.



CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z19-17  
APPLICATION NAME CARY GENTRY  
TYPE OF ZONING: A-1 TO RA-1  
DATE: 9/27/2019  
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY A 6" 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.

TAX MAP & parcel #  
079 062

219-17

Recorded 07/19/2018 9:51  
Doc: WD Rcpt#: 326431  
TRANSFER TAX: 301.50  
TRANSFER TAX ID: 0642018001389  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 2151 Pg: 19

Return Recorded Document to:  
Brumlow, Corwin & Delashmit, P.C.  
1287 Curtis Parkway SE  
P.O. Box 2500  
Calhoun, GA 30703  
File #0718G828

STATE OF GEORGIA  
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 16th day of July, 2018 between ROBERT MITCHELL DUTTON, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and GENTRY PROPERTY INVESTMENTS L.L.C., 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 of land lying and being in the North one-half of Land Lot 100 in the 6th District and 3rd Section of Gorgon County, Georgia, containing 80 acres, more or less, and bounded now or formerly as follows: On the East by lands of Dellinger; on the North by lands of Lon Erwin; on the West by lands of Ed Blalock and on the South by lands of Robert Dutton. There being excepted from the above-described property two (2) acres heretofore sold to Billy Dutton, one-quarter (1/4) acre sold to Erwin Hill Church of God and six (6) acres sold to Randy and Wilma Erwin as recorded in Plat Book 54, Page 127, Gordon County, Georgia 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

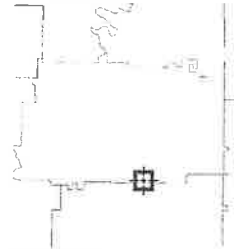
 (Seal)  
ROBERT MITCHELL DUTTON

  
Notary Public


























**Overview**



**Legend**

-  Parcels
-  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

<b>Parcel ID</b>	079 062	<b>Owner</b>	DUTTON ROBERT MITCHELL & SANDRA MITCHELL	<b>Last 2 Sales</b>			
<b>Class Code</b>	Agricultural		DUTTON	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	Countywide		427 DUTTON COMMUNITY RD SE	7/16/2018	\$301050	CS	U
	Countywide		ADAIRSVILLE GA 30103	3/23/2018	0	QC	U
<b>Acres</b>	65.86	<b>Physical Address</b>	ERWIN HILL CHURCH RD				
		<b>Assessed Value</b>	Value \$389100				

(Note: Not to be used on legal documents)

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