

INFORMATION SHEET FOR REZONING REQUESTS

Application # 220-06 DATE OF READING 5-19-20

REZONE FROM A-1 TO R-6

APPLICANT John T. Fincher

OWNER Larry Cantrell

LOCATION OF PROPERTY 1678 Moores Ferry Rd  
Plainville

DESCRIPTION OF PROPERTY  
1.04 ACRES

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

- Approval

STIPULATIONS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**John Fincher called to inform the Board of Commissioner that he has already checked with the Public Works Department about a driveway permit. Mr. Fincher says there is already two driveway going into the property from prior and the Public Works Department told him he did not have to get a new permit.**

**Annette Berry**

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
MAY 11, 2020**

The Gordon County Planning Commission held a Public Hearing on Monday, May 11, 2020 at 6:00 p.m. in the Main Court Room of the Gordon County Courthouse for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule	Eddie Smith
Jerry Lovelace	Nathan Serritt

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 March 9, 2020. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z20-06, JOHN T. FINCHER (appl.)  
Larry Cantrell (owner)**

Chairman Rule read rezoning application #Z20-06, John T. Fincher (appl.) and Larry Cantrell (owner), requesting to rezone a 1.04 acre tract located at 1678 Moore's Ferry Rd., Plainville from A-1 to R-6. Mr. Fincher and Mr. Cantrell represented the request explaining that they would like to sub-divide this 1.04 acre tract from the original 4.28 acres to place a mobile home at this site for Mr. Fincher and his wife to live in. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z20-06 from A-1 to R-6. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z20-07, LARRY CANTRELL**

Chairman Rule read rezoning application #Z20-07, Larry Cantrell, requesting to rezone a 3.24 acre tract with an existing house located at 1678 Moore's Ferry Road, Plainville from A-1 to RA-1. Mr. Cantrell represented the request explaining that after subdividing the 1.04 acre tract from his original 4.28 acres he now needs to rezone the balance of his 3.24 acres to bring into compliance with zoning. All adjoining property owners had been notified.

**Cover Sheet**  
**Proposal for Land Use Action**

Application Number: ZZO-10 Present Zoning: A-1 Proposed Zoning: R-6

Date of Planning Commission Meeting: April 13, 2020

Date of Board of Commissioners' Meeting: April 21, 2020

Applicant: John T. Fincher

Property Owner: (if different from applicant) Larry Cantrell

Property Address: 11678 Moore's Ferry Rd., Plainville, GA 30733

Said Property having a frontage of 206.70 feet and containing 1.04 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Dividing an acre off from my  
parents property.

Reason for Proposed Action: Would like to place a  
mobile home on this tract.

Directions to Property: HWY 53W, + right onto Vlebbber Rd,  
cross RR tracks - turns into Moores Ferry Rd  
go right at Scott's Cem. @ 1/4 mile on  
right.

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

**Date of Report:** March 27, 2020

**Application #** Z20-06

**Applicant/Property Owner:** John T. Fincher (appl.) Larry Cantrell (owner)

**Location of Property:** 1678 (split) Moore's Ferry Rd., Plainville, GA 30733

**Property Frontage:** 206.70 Feet    **Tract Size:** 1.04 acres

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

**Reasons for Proposed Action:** Divided off a one (1.04) acre tract from my in-laws property, leaving the parent tract with 3.24 +/- acre tract. Would like to place a mobile home on this tract.

**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:* OK per CB.
- \* *Building Inspection Department:* N/A
- \* *Fire Department:* OK with Fire Department.
- \* *Gordon County School System:* N/A
- \* *Public Works Department:* Will need permit for driveway to cross county right of way.
- \* *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 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 zoning small and large lots with conventional homes and mobile homes.

***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 requirements for A-1 zoning and cannot be divided under Family Ties because of the land requirement necessary.

***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.

***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 in compliance with the Future Development Map.

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

The rezoning request identified as Application #Z20-06 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 05/02/2006 11:00  
Doc: WD Rcr# 125523  
TRANSFER TAX ID: 064001260  
Brian Brannon, C.S.C.  
GORDON County, Ga  
DEED Bk: 1306 Pgs: 199-200

Please return to:  
Thomas E. Shanahan  
112 Court Street  
Calhoun, GA 30701

WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF GORDON

THIS INDENTURE, made this 26 day of April, in the year of our Lord Two Thousand Six (2006) between LARRY CANTRELL of the State of Georgia and the County of Gordon, as party or parties of the first part, hereinafter referred to as "Grantor", and LARRY CANTRELL and JANICE CANTRELL, as joint tenants with right of survivorship, of the State of Georgia and the County of Gordon, as parties of the second part, hereinafter referred to as "Grantees" (the word "Grantor" to include the neuter, masculine and feminine genders, the singular and the plural);

WITNESSETH: That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto Grantees, themselves and their heirs and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 102 of the 24<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Georgia, described as follows: Beginning at a point on the East side of Moore's Ferry Public Road, sometimes known as the Doc Miller Public Road, at an iron stob at the land of Wayne Boswell, and running thence in an Easterly direction along the land of Wayne Boswell to an iron pin and the land of Larry Nix, a distance of 416 feet; thence in a Southerly direction along lands of said Larry Nix to an iron pin and land of Larry and Janice Cantrell a distance of 209 feet; thence in a Westerly direction along land of said Cantrells to an iron stob and land of Willie Mae Hazelwood (now or formerly); and continuing along land of said Hazelwood to an iron pin and Moore's Ferry Public Road a distance of 370 feet; thence in a Northerly direction along said Moore's Ferry Public Road a distance of 210 feet to an iron pin and the point of Beginning. The land herein conveyed containing 1 1/2 acres, more or less.

This being all of the land owned by Willie Mae Hazlewood except that part whereon is located the home of said Hazlewood, which is described as follows: Beginning at an iron pin at the Southwest corner of the property above described and running in an Easterly direction a distance of 133 feet to an iron pin and land of Larry and Janice Cantrell; thence running in a Southerly direction along land of said Cantrells a distance of 250 feet to the Moore's Ferry Public Road; thence in a Westerly and

CONTINUED



Southerly direction along the said Moore's Ferry Public Road a distance of 267 feet to an iron pin and the point of beginning.

Being the identical property conveyed to Marion Geneva Crumley by virtue of warranty deed from Willie Mae Hazlewood dated March 21, 2001, recorded in Deed Book 739, page 407, Gordon County, Georgia deed records.

TO HAVE AND TO HOLD the same as joint tenants, and not as tenants in common with the fee simple in the survivor, the heirs and assigns of the survivor, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

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 Grantees, their heirs and assigns forever, in FEE SIMPLE.

And Grantor, for himself and his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto Grantees, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed, and delivered in the presence of:

Tom E. Shul  
Unofficial Witness

Larry Cantrell (SEAL)  
LARRY CANTRELL

Marion Geneva Crumley  
N.P., Gordon County, GA  
Notary Public Commission Exp. 02/01/2010



N.P. SEAL AFFIXED

FILED & RECORDED 5-2-06 BRIAN BRANNON, CSC

DIVISION SURVEY FOR

**JOHN THOMAS FINCHER & AMY MICHELLE FINCHER**

BEING ON THE NORTHEAST ON THE SIDE OF MOORE'S FERRY ROAD IN LAND LOT 102, 24th DISTRICT AND 3rd SECTION, GORDON COUNTY, GEORGIA.



Tax ID: 017 021  
Lesley & Florence  
Baldrige

1/2" iron  
pin found  
at fence  
corner

170.89'

Tax ID: 017 025  
Larry & Janice  
Cantrell

S0°05'28"E

205.82'

1/2" iron  
pin found

240.00'

Tax ID: 017 025  
Larry & Janice  
Cantrell

TOTAL AREA  
1.04 Acres.  
45361.1 Sq.ft.  
1" galvanized  
pipe found

N10°23'50"W

55.34'

77.27'

S86°26'08"W

3/4" iron  
pin found

frame  
shed

130.22'

207.49'

1/2" iron  
pin found

Tax ID: 017 024  
Earline Hughes

Tax ID: 017 025  
Larry & Janice  
Cantrell

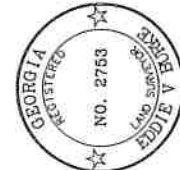
LAND LOT 102  
LAND LOT 103

MOORE'S FERRY ROAD 50' R/W

N14°07'12"W  
39.14'

N8°05'26"W  
46.28'

N5°51'13"W  
65.94'



BURKE LAND SURVEYING  
59 SAGE BRUSH LANE  
SUMMERVILLE, GEORGIA  
(706) 508-8509

JOB: 20FINCHER  
FILE: 102-24-3.  
SCALE: 1" = 50'  
FIELD DATE: MARCH 9, 2020  
PLAT DATE: MARCH 10, 2020  
REVISED:

**SURVEYOR'S CERTIFICATE**  
AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL - COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

SPACE RESERVED FOR GOVERNING BODY APPROVAL

SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY AND PURCHASER AS TO INTENDED USE OF ANY PARCEL. THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTERS AND FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS MEASURED, AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING.

EDDIE V. BURKE  
2753  
GEORGIA REGISTERED LAND SURVEYOR NO.

**DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH**

Application # Z20-06 Fincher A-1 to R-6

Date: 3/27/20

Reviewed by: Christy Blair

**ENVIRONMENTAL HEALTH**

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

~~Why is this address the same as Z20-07?  
Is this acre in addition to dividing off another  
acre for daughter?  
Just wondering how much prop is left for  
1478 Moores Ferry?  
I can't find a septic record on this house  
since its 1977. Don't want to cut off  
existing drainfield, cross new prop line w/  
existing drainfield or take away any future  
repair area for this house.~~

OK per Christy Blair 3/30/20  
per phone conversation - explained

**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # 220-060 Fincher A-1 to R-6

Date: 24MAR2020

Reviewed by: LT. G. HASTY

**FIRE DEPARTMENT**

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

OK WITH FIRE DEPARTMENT.

*Greg Hasty*

**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # Z20-06 Fincher A-1 to R-6

Date: 3-17-20

Reviewed by: Steve Parrish

**PUBLIC WORKS DEPARTMENT**

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

Will need permit for driveway to  
Cross County Right of Way

A handwritten signature in black ink, appearing to be "Steve Parrish", written in a cursive style.

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-06  
APPLICATION NAME John Fincher  
TYPE OF ZONING: A-1 to R-6  
DATE: 3/30/2020  
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.