

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-07 DATE OF READING 5-19-20

REZONE FROM A-1 TO RA-1

APPLICANT LARRY CANTRELL

OWNER _____

LOCATION OF PROPERTY 1678 Moores Ferry Rd
Plainville

DESCRIPTION OF PROPERTY
3.24 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
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.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z20-07 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.

REZONING APPLICATION #Z20-08, CASEY BOWERS (appl.)

Nice Guys Buying Houses (owner)

Chairman Rule read rezoning application #Z20-08, Casey Bowers (appl.) and Nice Guys Buying Houses (owner), requesting to rezone a 3.23 acre tract located at 429 Trimble Hollow Road, Adairsville from A-1 to R-1. Terry Burger, owner of Nice Guys Buying Houses, represented the request explaining that they would like to subdivide the property into 4 tracts in order to build 4 new houses. Mr. Burger also stated that a soil study has been completed and approved for 4 lots by a civil engineer. The homes would be built at the back of each lot so the power lines would be in front of the homes and the septic systems would be in the front as well. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z20-08 from A-1 to R-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V20-03, BLUE HILLS FARMS (appl.)

Xuan Hoang (owner)

Chairman Rule read variance application #V20-03, Blue Hills Farms (appl.) and Xuan Hoang (owner), requesting a variance for a 23.70 acre tract located at 2454 Dews Pond Road, Calhoun. Mr. Hoang explained that the existing 6 chicken houses were built in 2008 and that he would like to build a stack house 112 feet from the side property line, therefore requesting a variance of 188 feet. He also added that he had purchased this chicken operation in 2019 and that a stack house would be the cheapest option for him. Adjoining property owner, Eddie Phipps, spoke in opposition to the variance request stating that the smell and flies were just unbearable. Also 2 letters were read from adjoining property owners who were opposed for the same reasons as well as decreased values to their property. Mr. Hoang closed in saying that he sprays weekly for flies and that the stack house would be better for the environment and will help with the fly issue. All adjoining property owners had been notified.

Nathan Serritt made the motion to deny the variance application identified as #V20-03 to allow construction of a stack house without meeting the setback requirements. He also added that a variance of 188 feet is a bit extreme, if it was only 25 feet it would not be that big or an issue. Eddie Smith seconded the motion. All voted aye. The variance was denied. The thirty-(30) day appeal period was explained.

Cover Sheet
Proposal for Land Use Action

Application Number: Z20-07 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: April 13, 2020

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

Applicant: Larry Cantrell

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

Property Address: 1678 Moores Ferry Rd., Plainville, GA 30733

Said Property having a frontage of 297 ¹/₂ feet and containing 3.24 ¹/₂ acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: subdivided off an acre to deed to my daughter.

Reason for Proposed Action: Want to bring my property into compliance with zoning.

Directions to Property: Hwy 53W, + rt onto Webber Rd., cross over R.R. tracks to Moores Ferry Rd., at Scott's Cemetary (on Lt) + rt and go @ 1/4 mile on right.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: March 27, 2020

Application # Z20-07

Applicant/Property Owner: Larry Cantrell

Location of Property: 1678 Moore's Ferry Rd., Plainville, GA 30733

Property Frontage: 297 +/- Feet **Tract Size:** 3.24 +/- acres

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

Reasons for Proposed Action: Divided off a one (1.04) acre tract for my daughter and her husband to place a mobile home, leaving my tract with 3.24 +/- acre with an existing house. I would like to bring my tract into compliance with zoning.

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:*** No issues w/EH.
- * ***Building Inspection Department:*** N/A
- * ***Fire Department:*** OK with Fire Department.
- * ***Gordon County School System:*** N/A
- * ***Public Works Department:*** If using the existing driveway the homeowners will not need a permit, if there is to be a new driveway installed they will need a permit and inspection from the Public Works Dept.
- * ***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 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 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 #Z20-07 is recommended for approval.

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

RURAL/AGRICULTURAL RESERVE

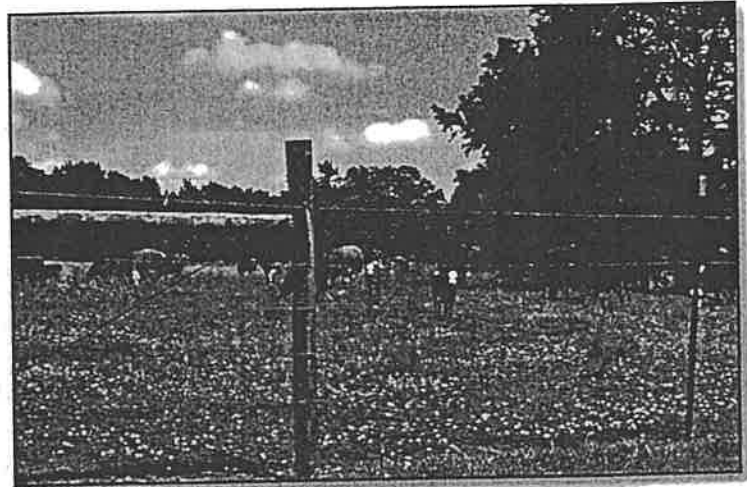
Description:

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 Rcpt#: 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 24th District and 3rd 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. Shub
Unofficial Witness

Larry Cantrell (SEAL)
LARRY CANTRELL

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



N.P. SEAL AFFIXED

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

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z20-07 Cantrell A-1 to RA-1

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:

No issues w/ EH.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z20-07 Cantrell A-1 to RA-1

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:

No issues w/ EHL.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # Z20-07 Cantrell A-1 to RA-1

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 # Z20-07 Cantrell A1 to RA-1

Date: 3-17-20

Reviewed by: Steve Parris

PUBLIC WORKS DEPARTMENT

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

If using the existing driveway the home owner will not need a permit, if there is to be a new driveway installed they will need a permit and inspection from the Public Works Department.

Steve Parris

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-07
APPLICATION NAME Larry Cantrell
TYPE OF ZONING: A-1 to RA-1
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.