

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z20-08 DATE OF READING 5-19-20

REZONE FROM A-1 TO R-1

APPLICANT Casey Bowers

OWNER Nice Guys Buying Homes

LOCATION OF PROPERTY 429 Trimble Hollow Rd
Adairsville

DESCRIPTION OF PROPERTY
3.23 ACRES

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

- Approval

STIPULATIONS:

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 of 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: Z20-08 Present Zoning: Ag-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: 4-13-2020

Date of Board of Commissioners' Meeting: 4-21-2020

Applicant: Casey Bowers

Property Owner: (if different from applicant) Nice Guys Buying houses

Property Address: 429 Trimble Hollow Rd SE, Adairsville

Said Property having a frontage of 410.97 feet and containing 3.23 acres.

Future Development Map Classification: Emerging Mixed-Use Community

Current Zoning Map Classification: Ag-1, Agricultural

Proposed Action: _____

Rezoning to R-1
Subdividing property into 4 tracts.

Reason for Proposed Action: _____

New residential builds

Directions to Property: Hwy 53E, turn right onto Union

Grove Ch. Rd., + right onto Trimble Hollow Rd.
go @ 6/10 of a mile on right.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: March 27, 2020

Application # Z20-08

Applicant/Property Owner: Casey Bowers (appl) Nice Guys Buying Houses, LLC (owner)

Location of Property: 429 Trimble Hollow Rd. SE, Adairsville, GA 30103

Property Frontage: 416.97 Feet **Tract Size:** 3.23 Acres

Proposed Action: Rezone from A-1, Agricultural District to R-1, Low Density Residential

Reasons for Proposed Action: Subdivided property into four (4) tracts in order to build four (4) new houses.

Future Development Map Classification: Emerging Mixed-Use Community

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:** I would recommend a level 3 soil study on all 4 tracts. Lot 4 is probably too small as presented 24,573 sq. ft. for house, drive, utilities, septic, Lots are also too narrow. May need to look at 2 or 3 lots. Revised: I would be comfortable w/a split into 3 lots. The septic permits would all be for pump systems due to the power line easement. Well needs to be filled & capped. 4/13/20
- * **Building Inspection Department:** N/A
- * **Fire Department:** OK with Fire Department.
- * **Gordon County School System:** N/A
- * **Public Works Department:** New homes, they will need to come to Public Works Dept. for permits for inspection to cross 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 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 small and large lots with conventional homes and mobile homes with some R-1 zoning 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 cannot be further developed as currently zoned because it is less than the minimum five (5) acre lot size requirements for A-1 zoning.

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 Emerging Mixed-Use Community on the Gordon County Future Development Map. This classification supports land uses intended for Commercial (30%), residential (40%), multifamily residential (20%), industrial (10%).

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, however, lot 4 is not in compliance with the minimum lot size of 25,000 square feet.

Planning Staff's Recommendation:

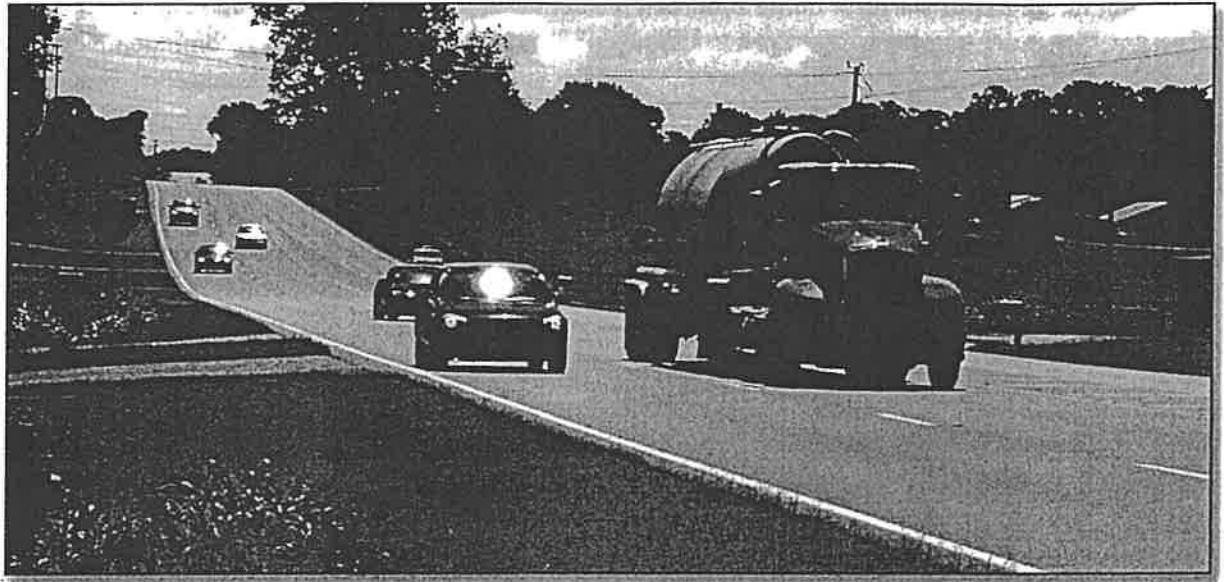
The rezoning request identified as Application #Z20-08 is recommended for approval..

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

EMERGING MIXED-USE COMMUNITY

Description:

These are areas that are likely to see an increase in commercial, industrial and residential. This category occurs in the area near the Union Grove Interchange on I-75, as well as in the Sonoraville area on Hwy 53 (near Sonoraville High School) and in the Red Bud Road area. The Sugar Valley area in Northwest Gordon County is also expected to see more mixed-use development.



SR 53 Sonoraville (Dollar General on Right).

Development Strategies/Policies:

- ❖ Infrastructure: Some of these areas are rural than traditional mixed-use communities that typically occur in more urbanized areas. Ensure that all necessary infrastructure is in place to support such development.
- ❖ Zoning: Zoning (and other necessary ordinances and regulations) is crucial to the proper development of mixed-use communities. Care has to be taken when combining commercial and residential as some commercial businesses can be loud, clog streets or take up all available parking. There are numerous other possible pitfalls as well, if not properly thought out
- ❖ Development of Housing: Housing in these areas is of particular interest to younger generations and younger families, including millennials who prefer to live, work and play in the same community. Housing should be encouraged that is quality, affordable and include amenities.
- ❖ Pedestrian-friendly: These areas should walkable and include sidewalks, trails, bike lanes and Streetscapes.
- ❖ Greenspace/Recreation: These areas should have access to parks, playgrounds and natural areas, especially because housing in these areas tend to have smaller lot sizes, if any outdoor space at all.
- ❖ Public Services: These areas should have access to schools, medical care and other services.

Land Uses: Commercial (30%), residential (40%), multifamily residential (20%), industrial (10%)

After recording Return to:
Thomas & Brown, LLC
241 Heritage Walk
Woodstock, GA 30188
File No. 20-0033E
TAX ID: 059-052

True and
Certified Copy

LIMITED WARRANTY DEED

STATE OF GA
COUNTY OF CHEROKEE

THIS INDENTURE, Made this 4th day of February, 2020 between

Robert D. Smith and Melissa Smith

as party or parties of the first part, (hereinafter referred to as "Grantor") and

Nice Guys Buying Houses, LLC

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 NO/100 DOLLARS (\$10.00) and other good consideration in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold, aliened, confirmed and conveyed, and by these presents does grant, bargain, sell alien, confirm and convey unto the said Grantee, the following described property, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 6TH DISTRICT AND 3RD SECTION OF GORDON COUNTY, GEORGIA, BEING LOCATED IN LAND LOT 5 THEREOF, AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A PLAT OF SURVEY ENTITLED SURVEY FOR BILLY L MCCLURE, PREPARED BY JERRY LAMBERT, FREEMAN AND LAMBERT SURVEYORS OF DATE MAY 22, 1988, A COPY OF SAID PLAT OF SURVEY BEING RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF GORDON COUNTY, GEORGIA IN PLAT BOOK 19, PAGE 247, TO WHICH SAID PLAT AND THE RECORD THEREOF, REFERENCE IS HEREBY MADE FOR A FULL AND COMPLETE DESCRIPTION OF THE LAND HEREIN CONVEYED. Parcel ID Number: 059-052. Subject to any Easements or Restrictions of Record.

Being the same property as conveyed in Deed Book 1862, Page 343, and Deed Book 71, Page 118, and Deed Book 71, Page 117, and Deed Book 57, Page 181, Gordon County Public Records.

Subject to all covenants, conditions, zoning ordinance, restrictions and easements of record.

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.

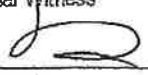
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the lawful claims and demands of all persons claiming, by, through or under the above named Grantor, but against none other.

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

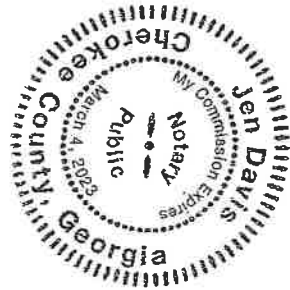
Signed, sealed and delivered in the presence of:



Unofficial Witness



Notary Public





Robert D. Smith (SEAL)

Cohutta Land Company, LLC

"A Soil and Land Evaluation Service"

P.O. Box 2316

Calhoun, GA 30703-2316

Phone: (706) 625-1456

Soil Analysis Report

Date Evaluated: 3/4/2020

Level of Study: 3 - High Intensity

Client Name: Nice Guys Buying Houses / Casey Bowers

Phone Number: (404) 694-6268

Site Location: 429 Trimble Hollow Road

County: Gordon

Hole #	Soil Series	Slope%	Bedrock Depth (inches)	Water Table Depth (inches)	Suitability Code	Perc Rate (mpi)	Field Line Depth (inches)	Hydraulic Loading Rate
1	Minvale	8	>48	48	A	75	24" or less	
2	Minvale	8	>48	48	A	75	24" or less	
3	Minvale	8	>48	48	A	75	24" or less	
4	Fullerton	8	>48	48	A	75	24" or less	
5	Minvale	8	>48	48	A	75	24" or less	
6	Fullerton	8	>48	48	A	75	24" or less	
7	Fullerton	8	>48	48	A	75	24" or less	
8	Minvale	8	>48	48	A	75	24" or less	
9	Minvale	9	>48	48	A	75	24" or less	
10	Minvale	10	>48	48	A	75	24" or less	
11	Fullerton	11	>48	48	A	75	24" or less	
12	Fullerton	18	>48	48	A	75	24" or less	
13	Fullerton	19	>48	48	A	75	24" or less	

Additional Comments:

14 & 15 Udorthents Soils Has Been Altered By Cutting And Filling . These Two Areas Should Be Avoided For Septic Placement As Well As Wax Soils Area . # 16 Is Same As All Other Fullerton Soils Here .

* Soil borings for drawings are located primarily with a sub-meter grade Trimble GPS unit. Some small tracts may be located using one or more of the following: tape measures, pacing, range-finder readings, and compass readings. All borings are conducted using 2.75" or 3.25" hand soil augers and/or 4" auger.

* Soil boundary lines are drawn by combining soils with similar properties and interpretations into a map unit. Map units are named for the dominant soil series found in the unit and the percent slope. The boundary line approximates the center of the transition zone between different soil map units and is not an exact separation of soils series.

* Due to variations in natural soil conditions and effects of uncontrolled construction practices, a positive report does not guarantee the future performance of septic system.

* Alterations through cutting and filling of suitable soils voids this report.

* Please note that all findings reported are based on professional opinion and do not imply approval or disapproval for permitting. Decisions and permitting are the responsibility of the local Environmental Health Specialist.

Suitability Codes:

A = These soils are suitable for installation of on-site systems with proper system design, installation, and maintenance. Position of the site or other soil and landscape considerations may require the drain field area to be greater than the minimum and/or the drain field design to require equal distribution or level field installation.

Soil Boring Positions Marked #
Numbered With Pink Flagging

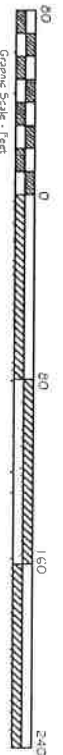
Level 3 Soil Analysis Gordon County Georgia



Nice Guys Buylng Houses
Casey Bowers



Scale 1 Inch = 80 Feet
Date : March 4, 2020
Soil Data Provided By
Cohutta Land Co LLC

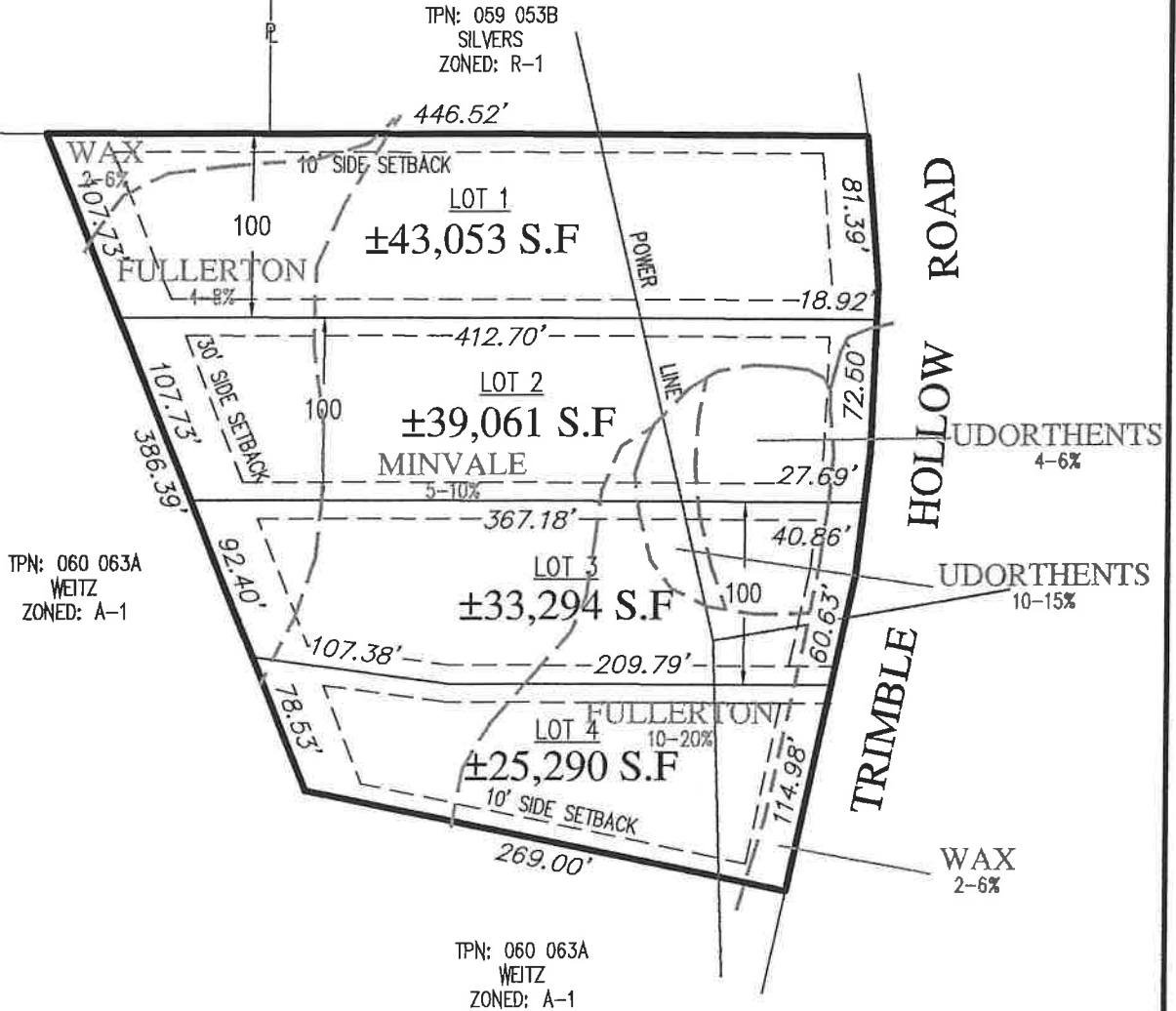


Revised Plat

220-08

REZONING DRAWING FOR:
NICE GUYS BUYING HOUSES, LLC

LAND LOT 5
6th DISTRICT, 3rd SECTION
GORDON COUNTY, GEORGIA
DATE: FEBRUARY 26, 2020
DATE: APRIL 08, 2020



SITE DATA:
BOUNDARY INFORMATION TAKEN FROM
PLAT BOOK 19, PAGE 247
TOTAL ACREAGE: 3.23
TOTAL NUMBER OF LOTS: 4
REQUESTED ZONING: R-1
CURRENT ZONING: A-1

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z20-08 Nice Guys Buying Houses A+OR-1

Date: 23MAR2020

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 # Z20-08 Nice Guys Buying Houses A-1 to R-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:

New homes, they will need to come to Public Works Department for permits for Inspection to cross Right of Way



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-08
APPLICATION NAME Casey Bowers
TYPE OF ZONING: A-1 to R-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.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z20-08 Nice Guys Buying Houses A-1 to R-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:

I would recommend a level 3 soil study on all 4 tracts. Lot 4 is probably too small as presented as 24,573 sq. ft. for house, drive, utilities, septic...
Lots are also too narrow.
May need to look at 2 or 3 lots.



RE: Clarification questions

Blair, Christy <Christy.Blair@dph.ga.gov>

Mon, Apr 13, 2020 at 10:33 AM

To: Casey Bowers <casey@niceguysbuyinghouses.com>

Cc: Ursula Richardson <urichardson@gordoncounty.org>, "Williams, Matthew" <Matthew.Williams@dph.ga.gov>

I visited and walked this property on Thursday afternoon. I would be comfortable with a split of this 3.23 acres into 3 lots, not 4. The 4th lot is too small for septic. These 3 new division septic permits would all be for pump systems due to the power line easement running through the middle of the property. Please be sure the well is properly filled and capped.

Let me know if you have any further questions.

~Christy

From: Casey Bowers <casey@niceguysbuyinghouses.com>

Sent: Thursday, April 9, 2020 8:34 AM

To: Blair, Christy <Christy.Blair@dph.ga.gov>

Subject: Re: Clarification questions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see the proposed lot split survey with soil overlay attached.

Thanks!

Casey Bowers

Transaction Manager

Nice Guys Buying Houses, LLC

(C)404-694-6268

Casey@NiceGuysBuyingHouses.com

www.niceguysbuyingatlantahouses.com

