

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-09 DATE OF READING 5-19-20

REZONE FROM A-1 TO R-4

APPLICANT Devin Desterle

OWNER _____

LOCATION OF PROPERTY Cash Rd + 8074 Fairmount Hwy

Calhoun

DESCRIPTION OF PROPERTY

31.18 ACRES

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

1. denial

STIPULATIONS:

VARIANCE APPLICATION #V20-04 & REZONING APPLICATION #Z20-09,
DEVIN OESTERLE

Chairman Rule read variance application #V20-04 and rezoning application #Z20-09, Devin Oesterle on 31.18 acres located in the area of Cash Road and Fairmount Hwy., Calhoun. Mr. Oesterle would like to subdivide 5 1-acre tracts from this property and rezone from A-1 to R-4 to construct a duplex on each tract and therefore would like to request a variance to reduce the required 30 acre tract for the existing 6 chicken houses. A letter was read from adjoining property owners Jane and William Butler in opposition to both the variance and rezoning with concerns of increased traffic on both Cash Road and Highway 53 and the increase in ground water contamination with several new septic systems especially since their only source of water is a well. Last year, a manufactured home, septic system, and field lines were added to the same property and after the trees were cut and land was cleared the rain water runoff was so much that they had to have grading done to redirect the flow of water from their home. If there should be a septic overflow that would drain into her backyard and well. Mr. Oesterle stated that Eric Rutledge had checked the property out concerning adding the septic systems and said it was okay. All adjoining property owners had been notified.

On variance application #V20-04, Eddie Smith made a motion to deny the application to reduce the required 30 acre minimum for 6 chicken houses. Nathan Serritt seconded the motion. Jerry Lovelace voted against the motion. The vote was 2-1 to deny. The variance was denied. The thirty-(30) day appeal period was explained.

On rezoning application #Z20-09, Jerry Lovelace made a motion to approve the rezoning from A-1 to R-4 for construction of duplexes. With the lack of a second, the motion dies. Chairman Rule asks again for a motion, Eddie Smith made a motion to deny the rezoning request. Nathan Serritt seconded the motion. Jerry Lovelace voted against the motion. The vote was 2-1 to deny. The recommendation for denial was sent to the Board of Commissioners.

ADDITIONAL BUSINESS

There being no additional business, Jerry Lovelace made the motion to adjourn. Nathan Serritt seconded the motion. All voted aye. The meeting was adjourned at 6:45 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Jerry Lovelace, Vice-Chairman

April 6, 2020

To: Gordon County Planning and Development Commission

Regarding Application # V20-04, ~~V~~20-09

Since I am almost seventy-four years old, have had cancer with chemo therapy and radiation treatments, and a lung nodule that has been monitored since 2016, I did not want to attend a public meeting due to the covid-19 pandemic. I hope that this letter will explain my views.

I have lived on Cash Road in the Sonoraville community since December 1968. I've loved the rural home settings, open fields and pastures. I am opposed to the construction of high-density residential buildings. There is no need to house a large number of people into a small area. I believe people want to live in rural areas for the space they can enjoy around them. In this area the smell from the chicken houses is vile, dead chickens are left to rot and decay and the nearby wooded area is unsafe due to piles of tress left from the land clearing and dead trees near to falling over.

The additional traffic from the housing is a concern also. Not only, on Highway 53, but more vehicles moving onto and off Cash Road could be dangerous. Cash road is a heavily traveled road.

I am concerned about the addition of several septic tanks being added to the area. Last year, a manufactured home was moved to this same property. A septic tank and field line were added. I was uneasy about the underground contamination. Although, I was not asked to be present for the measurement, I was told by an employee at the Gordon County Health Department that these were one hundred feet from my well. The well is my only source of water. After trees were cut and land was cleared from land lot 16, District 6, Section 3, the rain water run off was so much that I had grading done to redirect the flow of water from my home. If there should be a septic overflow that would drain into my backyard and well. I am now worried about the problem that several septic systems could cause.

Jane Butler




**Cover Sheet
Proposal for Land Use Action**

Application Number: Z20-09 Present Zoning: A-1 Proposed Zoning: R-4

Date of Planning Commission Meeting: April 13, 2020

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

Applicant: Devin Oesterle

Property Owner: (if different from applicant) _____

Property Address: Cash Rd ³⁰⁷⁴ Fairmount Hwy, Calhoun, GA 30701

Said Property having a frontage of attached feet and containing 5.00% acres.

Future Development Map Classification: Emerging Mixed-Use Community

Current Zoning Map Classification: A-1, Agricultural District

Proposed Action: Subdivide off 5, one (1) acre tracts
to build duplexes. Four (4) on Cash Rd
& 1 on Hwy 53E.

Reason for Proposed Action: To increase value of the property
while providing affordable housing in the area.

Directions to Property: Hwy 53E, turn right onto Cash Rd.
property on right (wooden fence along road)

Build 4 duplexes.

Hwy 53E, just before the first house on left past Cash Rd.
build 1 duplex.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: March 27, 2020

Application # Z20-09

Applicant/Property Owner: Devin Oesterle

Location of Property: Cash Rd. & 8074 Fairmount Hwy SE, Calhoun, GA 30701

Property Frontage: 504.6 – Cash Rd. / 234.52 - Fairmount Hwy. Feet **Tract Size:** 5.00. Acres

Proposed Action: Rezone from A-1, Agricultural District to R-4, High Density Residential

Reasons for Proposed Action: I wish to subdivide four (1 acre) tracts from the Cash Rd. side & one (1 acre) tract on Fairmount Hwy side to develop duplexes.

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:*** Has there been a level 3 soil study done on this tract of land? I don't know if a 1 acre minimum lot will be large enough for a duplex, 2 septic systems and future repair for 2 more septic systems. No issues on variance.
- * ***Building Inspection Department:*** N/A
- * ***Fire Department:*** OK with Fire Department.
- * ***Gordon County School System:*** N/A
- * ***Public Works Department:*** These being new homes, they will need to acquire permits for crossing County right of way. They will need to pick up for inspection at Gordon County Public Works Dept.
- * ***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 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 an operational poultry operation which is presently on this property.

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 A-1, because there is an operational poultry farm on the property and this would reduce the minimum land requirement for the existing six (6) chicken houses.

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 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, it would reduce the land requirement for the poultry operation which is 30 acres.

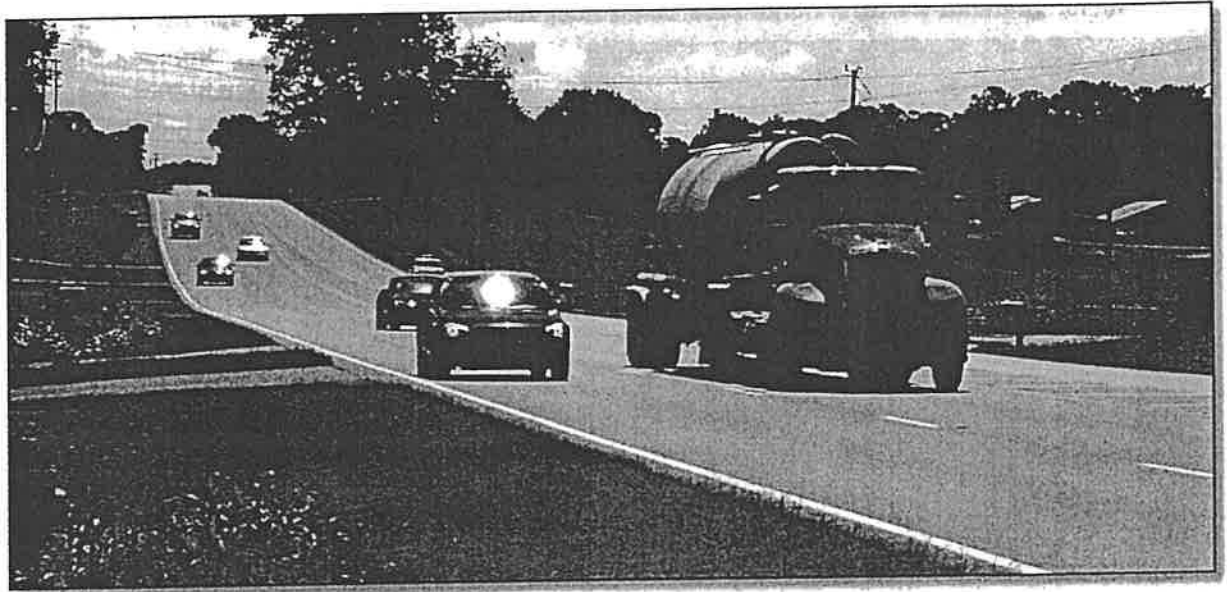
Planning Staff's Recommendation

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%)

220-09

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 TRANSFER TAX ID: 0642018001122
 Grant Walraven, C.S.C.
 GORDON County, Ga
 DEED Bk: 2143 Pgs: 253-255

Return Recorded Document to:
 Bramlow, Corwin & Delashmit, P.C.
 1287 Curtis Parkway SE
 Calhoun, GA 30703
 File #: 0518G580

STATE OF GEORGIA,
 COUNTY OF GORDON

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

This Indenture made this 7th day of June, 2018 between Billy Martin Horner aka Billy M Horner, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Robert Devin Oesterle and Alexa Cheyenne Oesterle, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" 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 receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

TRACT ONE:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 161 of the 6th District 3rd Section of Gordon County, Georgia ("The Starbuck Property") as more particularly described as Tract "A" containing 59.697 acres as shown in the survey for Starbuck Estate, dated June 11, 2009, prepared by David A. Glass, L.S. 2822 as recorded in Plat Book 49, Page 162, Gordon County, Georgia Records, which plat is incorporated herein by reference for a more complete description.

LESS AND EXCEPT ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 161 of the 6th District 3rd Section of Gordon County, Georgia, and more particularly described as follows: Begin at a 1/2 inch rebar found on the North right of way of State Route 53 (r/w = 100 feet) and the Southeast corner of Land Lot 161, 6th District, 3rd Section, Gordon County, Georgia; thence along said right of way North 88 degrees 26 minutes 07 seconds West for 95.58 feet to a point; thence North 85 degrees 20 minutes 01 second West for 645.19 feet to the beginning of a curve, whose chord is North 86 degrees 00 minutes 41 seconds West for 365.03 feet; the radius point of which bears South 4 degrees 46 minutes 17 seconds West for 13,359.72 feet; thence Westerly along said curve, through a central angle of 1 degree 33 minutes 56 seconds for 365.04 feet to a 1/2 inch rebar found; thence North 0 degrees 00 minutes 04 seconds West for 1,132.61 feet to a 1/2 inch rebar (1686) placed on a fence line; thence along said fence line the following courses South 87 degrees 52 minutes 05 seconds East for 28.20 feet; thence North 87 degrees 56 minutes 17 seconds East for 70.32 feet; thence South 80 degrees 19 minutes 05 seconds East for 39.48 feet; thence South 81 degrees 29 minutes 46 seconds East for 78.24 feet; thence South 88 degrees 26 minutes 54 seconds East for 50.23 feet; thence North 87 degrees 53 minutes 55 seconds East for 52.37 feet; thence South 88 degrees 26 minutes 07 seconds East for 83.87 feet; thence North 89 degrees 05 minutes 29 seconds East for 61.81 feet; thence North 86 degrees 00 minutes 00 seconds East for 54.90 feet; thence South 88 degrees 07 minutes 12 seconds East for 83.21 feet; thence North 83 degrees 01 minutes 48 seconds East for 33.46 feet; thence North 87 degrees 35 minutes 17 seconds East for 64.16 feet; thence South 87 degrees 59 minutes 18 seconds East for 45.58 feet; thence South 81 degrees 43 minutes 45 seconds East for 58.11 feet; thence South 85 degrees 55 minutes 11 seconds East for 86.29 feet; thence North 17 degrees 23 minutes 35 seconds East for 58.78 feet to a 1/2 inch rebar found; thence departing said fence line South 88 degrees 22 minutes 33 seconds East for 211.71 feet to a 1/2 inch rebar found and the East land lot line of Land Lot 161; thence South 0 degree 38 minutes 10 seconds West for 1,237.55 feet to a 1/2 inch rebar found on the right of way of State Route 53 and the Point of Beginning. Containing 29.76 Acres.

Said Tract being that same property as identified and labeled "Tract 1" in that certain survey for Billy L. Horner, Billy Martin Horner, Toney Thomason, Chicago Title Insurance Company and Community Bank of Pickens County dated September 19, 2011 and revised May 24, 2013, by Morrison & Associates, Land Surveyors, Carl N. Morrison, Georgia Registered Land Surveyor, No. 1686 attached hereto as Exhibit "B".

220-09

TRACT TWO:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 161 of the 6th District and 3rd Section of Gordon County, Georgia; and being 0.515 acres as per plat recorded in Plat Book 26, Page 300, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 161 of the 6th District and 3rd Section of Gordon County, Georgia; and being 0.686 acres as per plat recorded in Plat Book 38, Page 109, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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 behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten signature]

Witness

[Handwritten signature] (Seal)

Billy Martin Horner aka Billy M Horner

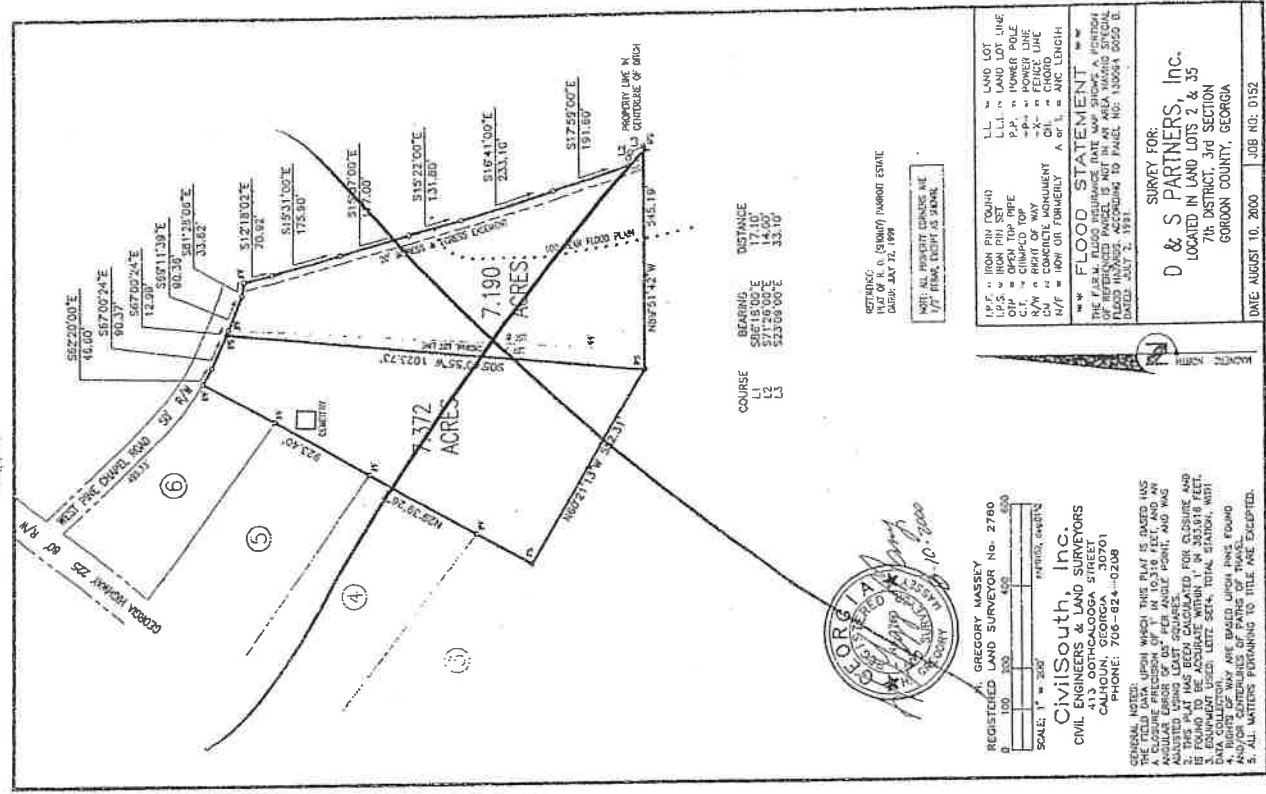
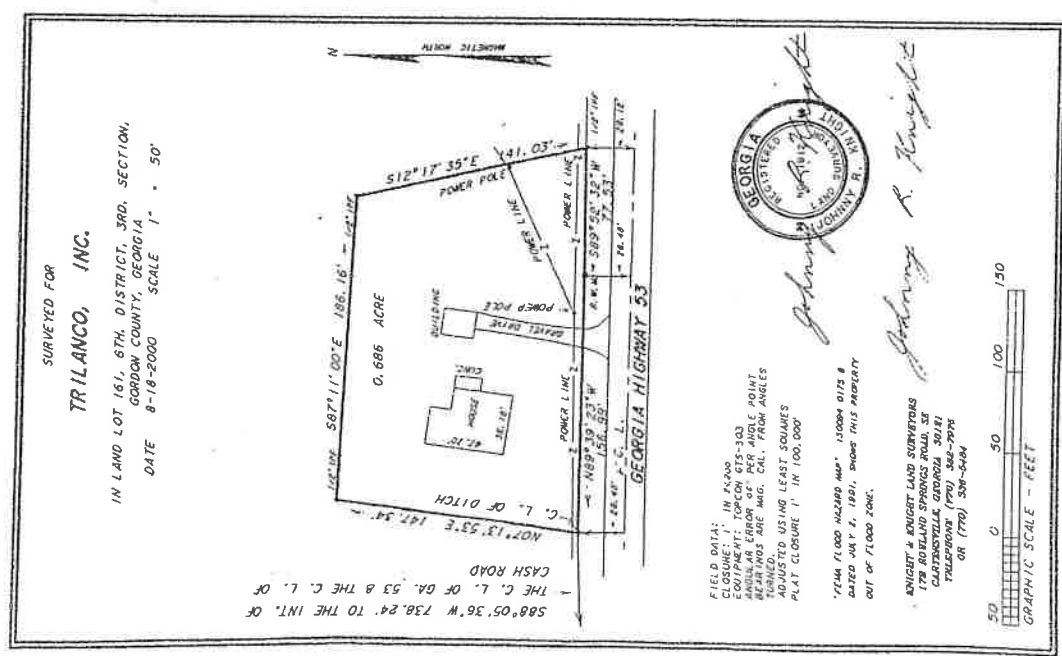
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Notary Public



720-09

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LL	LAND LOT
IR	IRON PIN FOUND
OP	OPEN TOP PIPE
C.T.	CHIMNEY TOP
N/P	NON PERMANENT MONUMENT
M/F	MON OR FORMERLY A.O.F.L. = ANGLE LENGTH

FLOOD STATEMENT
 THE PLAT IS BASED UPON THE PLAT RECORDED IN THE PUBLIC RECORDS OF GORDON COUNTY, GEORGIA, BOOK 38, PAGE 109, DATED JULY 2, 1991.
 FLOOD HAZARD ACCORDING TO PANEL NO. 130064 0000 B.

COURSE	BEARING	DISTANCE
L1	S86°15'00"E	17.10'
L2	S71°26'00"E	14.00'
L3	S25°06'00"E	33.10'

REFERENCE:
 PLAT OF H. O. (SRINIV) HARRIS ET AL.
 DATED JULY 22, 1999

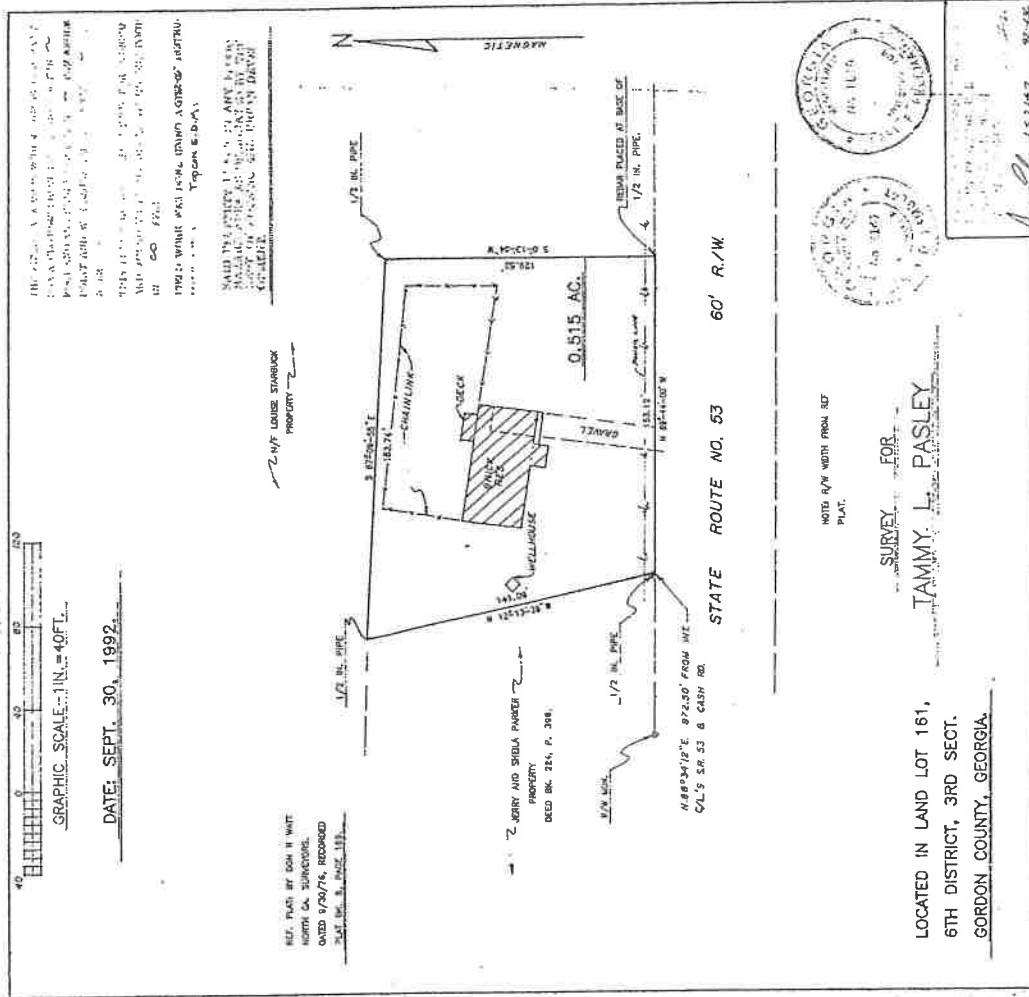
NOTE: ALL PROPERTY COURSES ARE
 7/2" THICK, EXCEPT TO DATA.



GREGORY MASSEY
 REGISTERED LAND SURVEYOR NO. 27800
 CIVIL ENGINEERS & LAND SURVEYORS
 413 OOTHOCHOOGA STREET
 CALHOUN, GEORGIA 30701
 PHONE: 706-824-0208

GENERAL NOTES:
 1. THIS PLAT IS BASED UPON THE PLAT RECORDED IN THE PUBLIC RECORDS OF GORDON COUNTY, GEORGIA, BOOK 38, PAGE 109, DATED JULY 2, 1991.
 2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 305,918 FEET.
 3. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 4. BEARINGS OF ANY ARE BASED UPON THE PLAT RECORDED IN THE PUBLIC RECORDS OF GORDON COUNTY, GEORGIA, BOOK 38, PAGE 109, DATED JULY 2, 1991.
 5. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

720-027



REF. PLAT BY DON H. WAT
 HOPKINSON, S.D.
 DATED 7/20/74, RECORDED
 IN BOOK 26, PAGE 133.

DATE: SEPT. 30, 1992.

GRAPHIC SCALE: 1 IN. = 40 FT.

THIS SURVEY WAS MADE BY THE SURVEYOR
 ON THE BASIS OF THE FOLLOWING DATA:
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NOTES: R/W WIDTH FROM SURVEY PLAT.
 SURVEY FOR TAMMY L. PASLEY

LOCATED IN LAND LOT 161,
 6TH DISTRICT, 3RD SECT.
 GORDON COUNTY, GEORGIA.

STATE OF GEORGIA
 COUNTY OF GORDON
 J. L. PASLEY
 9/30/92

720-09

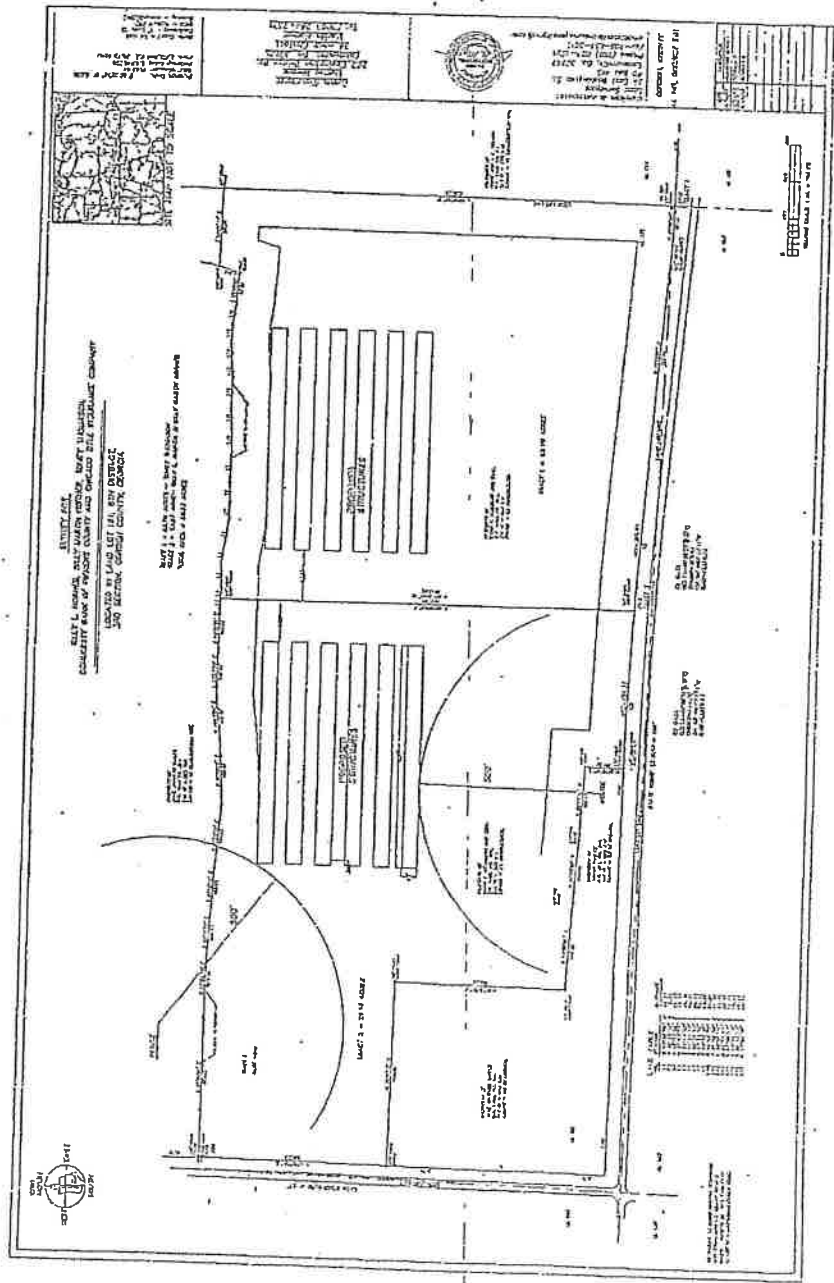


EXHIBIT B

DEPARTMENTAL REVIEW - ENVIRONMENTAL HEALTH

Application # 120-04
220-09 Oesterle Variance
A1 to R-4

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:

Has there been a level 3 soil study done on this tract of land? I don't know if a 1 acre minimum lot will be large enough for a duplex, 2 septic systems and future repair area for 2 more septic systems.

No issues on variance.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # V 20-04 Z20-09 Oesterle Variance
A-1 to R-4

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 # V20-04 Z20-09 Oesterle Variance A-1 to R-4

Date: 03-17-20

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:

These being new homes they will need to acquire permits for crossing County Right of Way.

They will need to pick up permits for inspection at Gordon County Public Works office.



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-09
APPLICATION NAME ~~Bob~~ Oesterle
TYPE OF ZONING: A-1 to R-4
DATE: 3/30/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This 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.