

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-12 DATE OF READING 8-18-20

REZONE FROM A-1 TO RA-1

APPLICANT Roy + Doris Hefner

OWNER _____

LOCATION OF PROPERTY Casey Drive

Adairsville, GA

DESCRIPTION OF PROPERTY

4.64 ACRES

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

1. Approval

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
AUGUST 10, 2020**

The Gordon County Planning Commission held a Public Hearing on Monday, August 10, 2020 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
Jerry Lovelace

Eddie Smith
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 July 13, 2020. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z20-12, ROY & DORIS HEFNER

Chairman Rule read rezoning application #Z20-12, Roy and Doris Hefner, requesting to rezone a 4.64 acre tract located on Casey Drive, Adairsville from A-1 to RA-1. Mr. Hefner represented the request explaining that this property had been subdivided into 2 tracts and they would like to bring into compliance to build a dwelling. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z20-12 from A-1 to RA-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V20-07, NILKANTHNATH, LLC-HARDIK PATEL

Chairman Rule read variance application #V20-07, Nilkanthnath, LLC-Hardik Patel, requesting a variance for 1 acre located at 788 Belwood Rd., Calhoun to increase the size of a business sign. Rishin Patel represented the request explaining that they are requesting a new sign to be approved to be at 15 feet in height and at 66 square feet. The reason for the request is that the Oil Company is requiring them to commit to a certain volume per month and without the bigger and taller signage they will not be able to compete with the competition from the major interstate signs that are at the Love Travel Plaza and soon to be other travel plaza. All adjoining property owners had been notified.

Eddie Smith made the motion to deny the variance as requested. Nathan Serritt 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: Z20-12 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: August 10, 2020

Date of Board of Commissioners' Meeting: August 18, 2020

Applicant: Roy & Doris Hefner

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

Property Address: Casey Dr., Adairsville, GA 30103

Said Property having a frontage of 290⁺/₁ feet and containing 4.64⁺/₁ acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Property was subdivided into
2 tracts.

Reason for Proposed Action: Would like to bring into
compliance for a dwelling.

✓ Directions to Property: Hwy 53 E, + rt onto Plainview Rd.
go 1 mile on rt to Casey Dr., Property
on Lt @ pond.

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

Rezoning Proposal

Date of Report: July 27, 2020

Application # Z20-12

Applicant/Property Owner: Roy & Doris Hefner

Location of Property: Casey Dr., Adairsville, GA 30103

Property Frontage: 290+/- Feet Tract Size: 4.64 Acres

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

Reasons for Proposed Action: The property was subdivided into 2 tracts. I want to bring this tract into compliance to build a dwelling.

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:* No issues w/EH.
- * *Building Inspection Department:* N/A
- * *Fire Department:* OK with Fire Department.
- * *Gordon County School System:* N/A
- * *Public Works Department:* No requirements for Public Works.
- * *Georgia Dept. of Transportation:* No Comments.
- * *Water & Sewer (City of Calhoun):* This area is served by a 2" 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 homes and some farming.

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 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 in compliance with the Future Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z20-12 is recommended for approval.

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

EMERGING SUBURBAN

Description:

Most of these areas have historically been agricultural properties, including family farms and family land now being sold to housing developers. Northwest Georgia is benefitting from lower housing costs and a more affordable cost of living, which is causing development pressure for additional housing.

Development Strategies/Policies:

- ❖ **Infrastructure:** Agricultural or rural residential areas historically had minimal infrastructure, served by wells, septic tanks and narrow roads. As additional housing is developed and population density increases, a need for water, sewer, fiber optic and road improvement arises.
- ❖ **Zoning:** Zoning and other ordinances (design guidelines, code enforcement, etc.) should be in place in advance to prevent the construction of neighborhoods that are unlikely to retain their value. This can also be used to prevent over-development which will cause vehicular gridlock.
- ❖ **Pedestrian-friendly:** Housing is more marketable in areas that appear vibrant and thriving. Younger generations are looking for active communities that encourage residents to get out and interact with neighbors. Developers can be encouraged or incentivized to include sidewalks, crosswalks, bike lanes, trails, especially connecting neighborhoods to amenities.
- ❖ **Encourage traditional neighborhood development:** Offer incentives for developers to develop neighborhoods with various price points (entry-level to executive). Incentives can also be provided to encourage development of grid pattern neighborhoods, as opposed to the typical subdivisions that are comprised of a series of cul-de-sacs with a single point of entry/exit.
- ❖ **School Placement:** Historically schools have been placed where land values are lower, typically on sites accessible only by vehicular traffic, rather than neighborhood schools in walkable areas. Consider planning for future schools in areas that are likely to see significant residential growth.



Single family residential, Newtown Church Rd.

Land Uses: Residential, light commercial, parks/recreation

Return Recorded Document to:

Kendrick & Mahan
Attorneys at Law
P.O. Box 1286
Blairsville, GA 30514

Recorded 03/17/2020 12:29
Doc: WD Rept#: 336046
TRANSFER TAX ID: 0642020000435
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2310 Pgs: 232-233

LIMITED WARRANTY DEED
Deed Prep Only

STATE OF GEORGIA

COUNTY OF UNION

THIS INDENTURE, made the 6th day of March, 2020, between Paul Shane Gilbert and Crystal D. Gilbert, party of the first part, and Roy E. Hefner and Doris Hefner, as joint tenants with the right of survivorship, party of the second part,

WITNESSETH That: the said party of the first part, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other goods and 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 the said party of the second part, his heirs and assigns, all that tract or parcel of land

TRACT 1:

All that tract or parcel of land lying and being in Land Lot No. 62 of the 6th District and 3rd Section of Gordon County, Georgia, and being more particularly described as Tract 1, containing 2.0 acres, more or less, and Tract 2, containing 3.0 acres, more or less, according to a plat of survey entitled, "Donald Winford Casey and Helen Virginia Casey" prepared by Joseph M. Holland, GRLS No. 2454m dated July 9, 1991 and recorded in Plat Book 24, page 255, Gordon County, Georgia records to which said plat reference is hereby made and incorporated herein for a more complete description of said property. 2
3
4

TRACT 2:

All that tract or parcel of land lying and being in Land Lot No. 62 of the 6th District and 3rd Section of Gordon County, Georgia, and being a tract of land containing 0.679 acre, more or less, as shown on a plat of survey thereof entitled "Boundary Survey for Crystal and Shane Gilbert" prepared by Allen Dale Hall, GRLS No. 2609 of North Georgia Surveying, Calhoun, Georgia, dated 11-30-06, a copy of said plat being recorded in Plat Book 46, page 244, Gordon County, Georgia records to which said plat reference is hereby made and incorporated herein for a more complete description of said property.

TOGETHER WITH an easement for ingress and egress from the above-described property, said easement being fifty feet (50') in width extending from the westerly right of way of Plainview Church Road in a westerly direction along with and contiguous to the north line of the Tract No. 1 and Tract No. 2 described in the aforesaid plat recorded in Plat Book 46, page 244, Gordon County, Georgia records and being known as "Casey Drive".

LESS AND EXCEPT from Tracts 1 and 2 above, all that tract or parcel of land lying and being in Land Lot No. 62 of the 6th District and 3rd Section of Gordon County, Georgia and being 1.04 acres, more or less, as shown on that certain plat of survey prepared by Allen Dale Hall, GRLS No. 2609, and recorded in Plat Book 57, page 30, Gordon County, Georgia records to which said plat reference is hereby made and incorporated herein for a more complete description of said property.

ALSO LESS AND EXCEPT from Tracts 1 and 2 above, any portion of the above-described property contained within the boundaries of that certain 1.176 acre tract of land conveyed to Jimmy P. Shirley and Victoria J. Shirley by Warranty Deed dated February 5, 2007, recorded in Deed Book 1404, page 6, Gordon County, Georgia records, as shown on plat of survey recorded in Plat Book 46, page 243, Gordon County, Georgia records.

ALSO LESS AND EXCEPT from Tracts 1 and 2 above, any portion of the above-described property contained within the boundaries of that certain 2.169 acre tract of land conveyed to Donald Winford Casey and Helen Virginia Casey by Quitclaim Deed dated February 5, 2007, recorded in Deed Book 1404, page 5, Gordon County, Georgia records, as shown on plat of survey recorded in Plat Book 46, page 242, Gordon County, Georgia records.

Subject to and benefitted by that certain easement and driveway maintenance agreement recorded in Deed Book 528, page 259, Gordon County, Georgia records.

Subject to all easements, restrictions and ordinances 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 party of the second part, his heirs and assigns, forever, in FEE SIMPLE.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Paul Shane Gilbert

Paul Shane Gilbert

(Seal)

Miss Casey
Unofficial Witness

Clanah
Notary Public 3-9-2024

Crystal D. Gilbert

Crystal D. Gilbert

(Seal)

N.P. SEAL AFFIXED

Miss Casey
Unofficial Witness

Clanah
Notary Public 3-9-2024

N.P. SEAL AFFIXED

eFiled & eRecorded
DATE: 2/18/2020
TIME: 2:10 PM
PLAT BOOK: 00057
PAGE: 00030
RECORDING FEES: \$10.00
PARTICIPANT ID: 3395671904
CLERK: Grant Walraven
GORDON County, GA

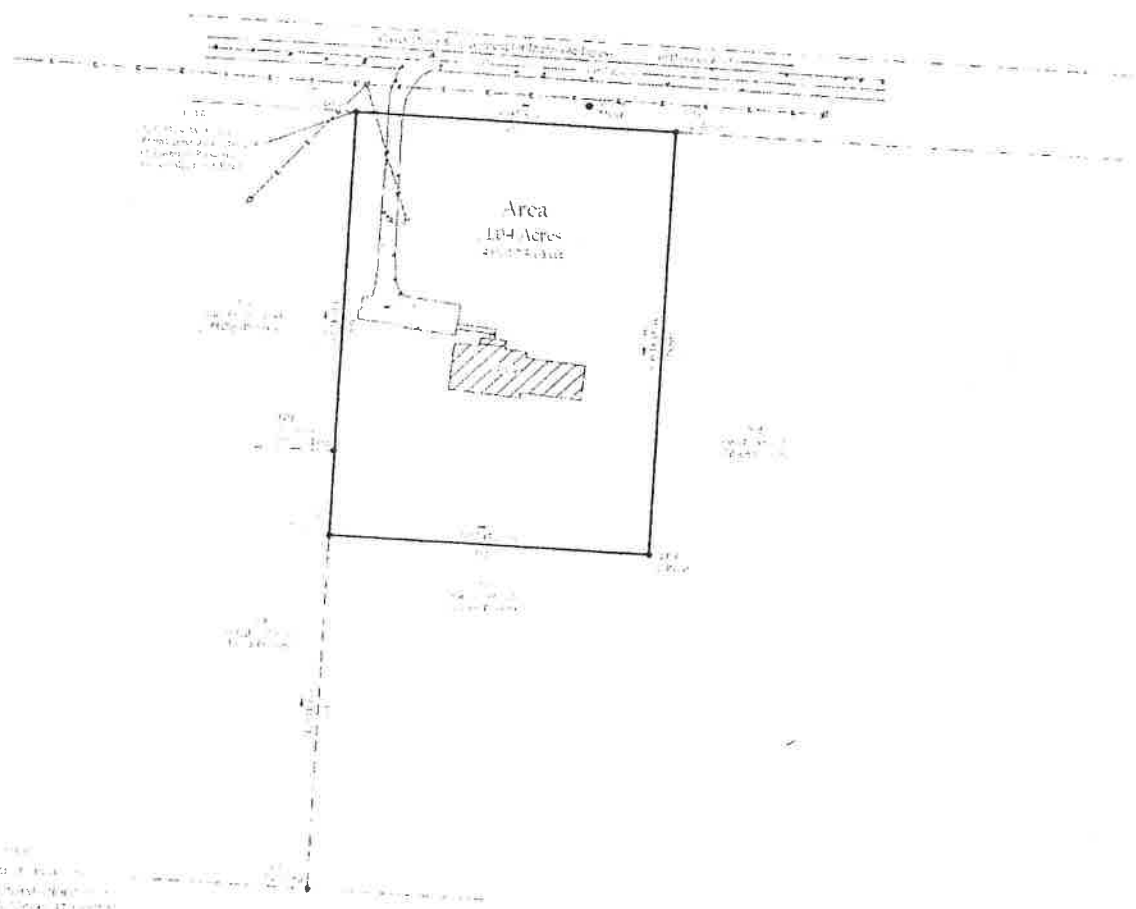
BOUNDARY SURVEY
FOR
Paul Shane Gilbert & Crystal D. Gilbert
GORDON County, Georgia



LOCATED IN LAND LOT 62, 6th DISTRICT & 3rd SECTION OF GORDON COUNTY, GEORGIA

Date of field work: 11/25/2019
Date of plat: 11/29/2019

Scale: 1"=50'



LEGEND

- Boundary Line
- Easement Line
- Area Boundary
- Survey Point
- Monument

NOTE

THIS PLAT IS THE RESULT OF A SURVEY MADE BY MICHAEL PAUL BRANT, A SURVEYOR LICENSED IN THE STATE OF GEORGIA, IN ACCORDANCE WITH THE SURVEYING ACTS AND LAWS OF THE STATE OF GEORGIA, AS AMENDED. THIS PLAT IS FILED FOR RECORD IN THE PUBLIC RECORDS OF GORDON COUNTY, GEORGIA, AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE CLERK OF GORDON COUNTY, GEORGIA.

FOR RECORDING ONLY

Recorded by:
North Georgia Surveying
2/18/2020

SURVEYORS CERTIFICATION

I, the undersigned, Michael Paul Brant, a Surveyor Licensed in the State of Georgia, do hereby certify that the foregoing is a true and correct representation of the land shown on the attached plat, and that the same is the result of a survey made by me or under my supervision and in accordance with the laws and regulations governing the practice of surveying in the State of Georgia.



Michael Paul Brant
SURVEYOR



North Georgia
SURVEYING
706-625-1046

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z20-12 Hefner A-1 to RA-1

Date: 7/27/2020

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 – FIRE DEPARTMENT

Application # 220-12 Hefner A-1 to RA-1

Date: 20JULY2020

Reviewed by: G. Hasty / R. Chance

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 # 220-12 Hefner A1 to RA-1

Date: 7-15-20


Reviewed by: Rusty Hogan

PUBLIC WORKS DEPARTMENT

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

Private Rd

No Requirements For Public Works.



CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-12
APPLICATION NAME Roy & Doris Hefner
TYPE OF ZONING: A-1 to RA-1
DATE: 7/22/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property is served by a 2" 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.