

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  
Request for Variance**

Application Number: V20-03

Date of Planning Commission Meeting: April 13, 2020

Applicant: Blue Hill Farms

Property Owner: (if different from applicant) Xuan Huang

Property Address: 2454 DEWS Pond Rd NE Calhoun GA

Said Property having a frontage of 50.35 feet and containing 23.7 acres. 30701

Official Zoning Map Classification: A-1, Agricultural

Requested Variance: I have 6 chicken houses that were  
built in 2008. I'd like to build a stack house  
112 feet from my back-side property line. 188 ft

Zoning Ordinance Section: 4.03.02 (I) variance

Reason for Variance: this is the only usable location  
for the stack house.

Directions to Property: Dews Pond Rd. on left just  
before Wright's Hollow Rd.

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

**Date of Report:** March 27, 2020                      **Application #** V20-03

**Applicant/Property Owner:** Blue Hill Farms (appl.), Xuan Hoang (owner)

**Location of Property:** 2454 Dews Pond Rd. NE, Calhoun, GA 30701

**Property Frontage:** 50.35 Feet    **Tract Size:** 23.70 acres

**Requested Variance:** The existing six (6) chicken houses were built in 2008. I would like a stack house 112 feet from my side property line lowering the setback by 188 feet. The stack house will be located in the back northwest corner of the property.

**U.L.D.C. Section:**

**Table 4.03.02 (I) Standards for Commercial Livestock, Swine and Poultry Operations**

Buildings used for storage of animal waste or dead animals:

Minimum setback of 300 feet from all property lines and a minimum setback of 750 feet from any neighboring residential dwelling.

**Reason for Proposed Action:** This is the only usable location for the stack house on the property.

**Official Zoning Map Classification:** A-1, Agricultural District

**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.**

- ***Building Inspection Department:*** N/A.
- ***Environmental Health Services:*** No issues w/location of stack house.
- ***Fire Department:*** OK with Fire Department.
- ***Road Department:*** Using existing driveway will not need permit unless cutting across right of way in a different section.
- ***Department of Transportation:*** N/A.
- ***Water & Sewer (City of Calhoun):*** This area is served by a 6" water line along Dews Pond Road. No City sewer in this area.
- ***Zoning Division:*** *A Notice of Public Hearing has been properly advertised in the local newspaper and posted on the Property and variance application fees have been paid.*

## **Findings**

***1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.***

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question, the land is long and narrow.

***2) The application of this U.L.D.C. to this particular piece of property would create an unnecessary hardship.***

The application of this U.L.D.C. to this particular piece of property would create an unnecessary hardship in the aspect that the poultry operation has been in existence for twelve (12) years and would hinder the disposal of dead poultry in this manner. Also, there is an existing cattle operation next door to the property.

***3) Such conditions are peculiar to the particular piece of property involved.***

There are no known conditions that are peculiar to the property.

***4) Relief, if granted, would not cause substantial detriment the public good or impair the purposes and intent of this U.L.D.C. Provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this U.L.D.C.***

Although it is not anticipated that relief, if granted, will cause substantial detriment to the public good, it does impair the intent of the U.L.D.C. with respect to regulating the county setback requirements.

## **Planning Staff Findings & Recommendations**

The variance request identified as Application #V20-03 is recommended for approval.

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

**Application for Variance from the Official Zoning Ordinance  
of  
Gordon County, Georgia**

Application Date: 3/16/20 Application Number: V20-03  
*(Office Use)*

Application is hereby made to the Gordon County Planning Commission for the purpose of seeking a variance from the terms of the Official Zoning Ordinance of Gordon County, Georgia.

The Planning Commission will hear this application on April 13, 2020

*(Please Print or Type)*

Applicant: Blue Hill Farms

Address: 2454 Dews Pond Rd NE, Calhoun, GA 30701

Property Owner: Xuan Hoang

Address: *(If different from Above)* \_\_\_\_\_

Phone Number: (517) 303 1778 E-Mail: xmhoang@gmail.com

Agent or Legal Representative: *(If applicable)* \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
*(The applicant and/or representative must be present at all public hearings)*

**Request Information**

Location of Property: 2454 Dews Pond Rd NE  
*(street address, intersecting roads, etc.)*

Land Lot(s): 216 District(s): 7

Section(s): 3 Acreage: 23.7

County Tax Map #: \_\_\_\_\_ Parcel #: 066-031 and  
066-03A

Application Number: V20-03

**Request Information (cont.)**

Present Zoning District: A-1, Agricultural

Variance Request: *(Please include Zoning Ordinance Article and Section number)*

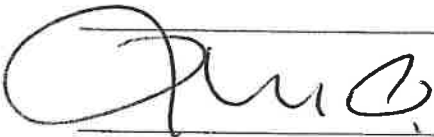
4.03.02(I) Chicken Houses were built in 2008. I  
would like to build a stack house 112 feet from  
my property line. I'm asking for 100 ft. Variance

In accordance with Unified Land Development Code Section 9.02.01(6), in determining whether to grant a variance, the Gordon County Planning Commission shall consider, along with other relevant facts, the following:

- a. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.*
- b. *The application of this ULDC to this particular piece of property would create an unnecessary hardship.*
- c. *Such conditions are peculiar to the particular piece of property involved.*
- d. *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ULDC, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ULDC.*

Upon review of the above criteria, please state the reason (HARDSHIP) for the requested variance:

This is the only usable location for  
the stack house.



Applicant's Signature

3/16/2020

Date

Property Owner's Signature *(If different)*

Date

Signed and sealed in the presence of:

Wesley Richardson

Notary Public

2/24/21

Commission Expires

TO: The Gordon County Board of Commissioners

Gordon County Court House

200 South Wall St.

Calhoun, Ga.. 30701

This Communication is directed to the Board as a whole and to each individual Board member that here after consider the Mater of a Variance at 24 54 Dews Pond Road relative to the Construction of a STACK HOUSE at that location.

Be it known to each of you that I am totally and unquestionably opposed to the granting of such variance.

I live next door to this property and have lived with the nuisance of flies and terrible odor. This nuisance was to the extent that it is impossible Cook outside without being inundated with flies and also the terrible odor.

My home was here prior to the chicken operation. I was told that there wasn't anything I could do because the Chicken houses were 500 feet from my home, not 500 ft from the property line. If the Chicken Houses were 500 ft from the property line things would be somewhat better. Also if the Rules and Regulations required the Exhaust fans to be on a side the longest distance from the adjoining property.

Now I have endured these regulations and resulting undesirable and unhealthy conditions for over 15 years.

Now the Regulations as they are now, without the variance, will help me and the rest of the community I wish to use every avenue of my rights as a Citizen of Gordon county and allow the Rules to work for me for a change.

Again I am opposed to any change of regulations that would allow any expansion or addition to the Poultry Operation located next door to me. I want this to be absolutely clear without any question.

I am having some health issues at the present time and will not be able to attend a meeting, therefore I request that this letter aloud at the meeting when this matter is heard by this body.

Sincerely,

A handwritten signature in cursive script that reads "Pat Baker". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Pat Baker  
2456 Dews Pond Rd. NE  
Calhoun, Ga. 30707

Phone 706 629 3159

**APPLICATION FOR APPEAL  
GORDON COUNTY, GEORGIA**

Application Date: MAY 27, 2020      Application Number: A20-06

Application is hereby made to the Gordon County Board of Commissioners for the purpose of appealing a decision made by the Planning Commission.

Applicant: BLUE HILL FARMS

Address: 2454 DEWS POND RD NE, CALHOUN, GA 30701

Property Owner: XUAN HOANG

Address: (if different from above): \_\_\_\_\_

Telephone: 517-303-1778      E-Mail: xmhoang@gmail.com

Agent or Legal Representative: (if applicable) \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_      E-Mail: \_\_\_\_\_

*(The applicant and/or representative must be present at all public hearings)*

***Proposal Information***

Location of Property: 2454 DEWS POND RD NE, CALHOUN, GA 30701  
*(street address, intersecting roads, etc.)*

Land Lot: 216      District: 7      Section: 3      Acres: 23.7

County Tax Map & Parcel Number: 066-031 & 031A

**A recorded deed and plat must be submitted with this application.**

Directions to subject property from courthouse: DEWS POND RD ON LEFT JUST  
BEFORE WRIGHTS HOLLOW RD. #2454

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Recorded 06/20/2019 9:14  
Doc: WD Rcpt#: 331382  
TRANSFER TAX: 2,680.00  
TRANSFER TAX ID: 0642019001122  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 2219 Pgs: 286-289

RETURN RECORDED DOCUMENT TO:

HARTLEY, ROWE & FOWLER, P.C.  
P. O. BOX 489  
DOUGLASVILLE, GA 30133  
FILE NO. 19-0348B (ds)

STATE OF GEORGIA  
COUNTY OF DOUGLAS

LIMITED WARRANTY DEED

THIS INDENTURE, made the 14<sup>th</sup> day of June, in the year two thousand and nineteen,  
between

**NEN PHAM**

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

**BLUE HILL FARM LLC, a Georgia limited liability company**

as party or parties of the second part, ("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 other good and valuable considerations and the sum of Ten and No/100 (\$10.00) Dollars in hand paid at and before the sealing and delivery of these presents, the receipt 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 Grantee:

ALL THAT TRACT or parcel of land lying and being in Land Lot 216 of the 7<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Georgia, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

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**, subject only to those matters set forth on Exhibit "B", incorporated by reference.

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 claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_

Witness

  
\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

  
\_\_\_\_\_

NEN PHAM

(SEAL)





SURVEY FOR  
 FRED H. & PAT BAKER

LOCATED IN LAND LOT 216, 7TH DISTRICT, 3RD SECTION, 43RD COUNTY, GEORGIA

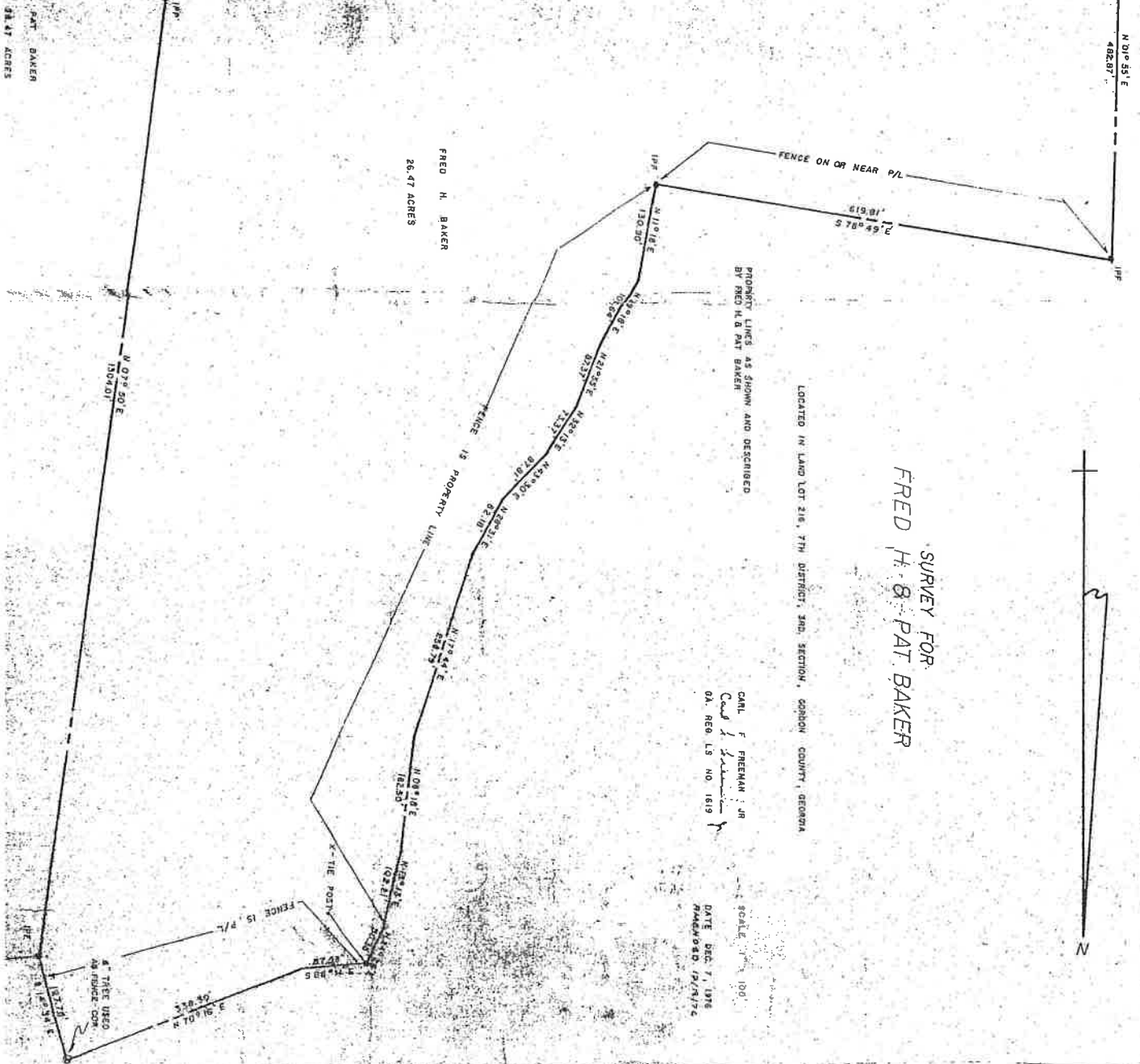
PROPERTY LINES AS SHOWN AND DESCRIBED  
 BY FRED H. & PAT BAKER

CALL F. FREEMAN JR.  
*Carl F. Freeman Jr.*  
 O.A. REG. LS. NO. 1619

DATE DEC. 7, 1976  
 MEMPHIS, TN/4/76

SCALE 1" = 100'

FRED H. BAKER  
 26.47 ACRES



PAT BAKER  
 38.41 ACRES

4" TREE USED  
 AS PUNDC COR.  
 131.76  
 131.76

3 91.00 N  
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