

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 21-03 DATE OF READING 3-16-2021

REZONE FROM A-1 TO R-1

APPLICANT Richard Barry Gilbert

OWNER _____

LOCATION OF PROPERTY 135 Manning Dr.

Plainville GA

DESCRIPTION OF PROPERTY

1.05 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
MARCH 8, 2021**

The Gordon County Planning Commission held a Public Hearing on Monday, March 8, 2021 at 6:00 p.m. in the Conference Room of Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule	Eddie Smith
Jerry Lovelace	Nathan Serritt
Sabrina Poole	

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 from the previous meeting of February 8, 2021. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V21-03 REZONING APPLICATION #Z21-03,
RICHARD BARRY GILBERT**

Chairman Rule read variance application #V21-03 and rezoning application #Z21-03, Richard Barry Gilbert, requesting a variance and rezoning on a 1.05 acre tract located at 135 Manning Dr., Plainville. Mr. Gilbert represented the request explaining that a variance is requested to allow access to the 1.05 acre tract, using an existing 15 foot easement. The rezoning is to change from A-1 to R-1 to bring into compliance in order to rebuild a house. All adjoining property owners had been notified.

On Variance Application #V21-03, Jerry Lovelace made the motion to approve the variance as requested. Nathan Serritt seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On Rezoning Application #Z21-03, Eddie Smith made the motion to approve the rezoning request 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.

REZONING APPLICATION #Z21-04, PINNACLE RE HOLDINGS, LLC

Chairman Rule read rezoning application #Z21-04, Pinnacle RE Holdings, LLC, requesting to rezone a 4.85 acre tract located at 10881 Fairmount Hwy., Fairmount from A-1 to R-6. Steven Ballew represented the request explaining that they would like subdivide this property into 4 lots, if soil study will allow, and place 28x56 mobile homes on a permanent foundation on each lot for resale under \$200,000. All adjoining property owners had been notified.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 221-03 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: March 8, 2021

Date of Board of Commissioners' Meeting: March 16, 2021

Applicant: Richard Barry Gilbert

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

Property Address: 135 Manning Dr., Plainville GA 30733

Said Property having a frontage of 15 feet and containing 1.05 acres.

Future Development Map Classification: Rural/Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Have divided to property into 2
tracts. One is 1.05 acres & the other
tract is 0.79 acres.

Reason for Proposed Action: Would like to rezone the 1.05 acre
property to bring it into compliance in
order to build a home.

Directions to Property: Hwy 53W, + right onto Plainville Rd,
cross RR tracks which turns into Riverbend Rd.
Go about 3 1/2 miles, + Left onto Manning Dr.
100 yards to the property. (Just past
Miller Rd on rt, third driveway on Lt)

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

Rezoning Proposal

Date of Report: February 26, 2021

Application # Z21-03

Applicant/Property Owner: Richard Barry Gilbert

Location of Property: 135 Manning Dr., Plainville, GA 30733

Property Frontage: 15 Feet **Tract Size:** 1.05 Acres

Directions to property: Hwy 53W, turn right onto Plainville Rd, go about 3 ½ miles, cross RR tracks which turns into Riverbend Rd., turn left onto Manning Dr. (just past Miller Rd. on the right, third drive on left). Go 100 yards to the property.

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

Reasons for Proposed Action: Have divided the property into 2 tracts, first tract is 1.05 acres and the second tract is 6.79 acres, and would like to rezone the property to bring it into compliance in order to rebuild a house.

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 on Variance.

Building Inspection Department: N/A

Fire Department: OK with Fire Department

Gordon County School System: N/A

Public Works Department: If there is to be a new driveway or if the existing driveway is not permitted, builder/resident will need to acquire a permit from the Public Works Department.

Georgia Dept. of Transportation: N/A

Water & Sewer (City of Calhoun): This area is served by a 6" water line running along Riverbend Road. No 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 proposed zoning is compatible with the surrounding area. There is R-4 and R-1 zoning already in place as well as small and large tracts of agricultural zoning.

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 since the road has been there for 50 plus years along with a dwelling.

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 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 compliance with our Future Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z21-03 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)

221-03

Recorded 10/13/2020 2:47
Doc: WD Rept#: 341015
TRANSFER TAX ID: 0642020002081
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2386 Pg: 103

Document Prepared by:
Jones & Erwin, P.C.
P.O. Box 1147
Calhoun, GA 30703

Return Recorded Document to:
Jones & Erwin, P.C.
P.O. Box 1147
Calhoun, GA 30703

—ABOVE SPACE RESERVED FOR RECORDING INFORMATION—

STATE OF GEORGIA,
COUNTY OF GORDON

WARRANTY DEED

THIS INDENTURE, made this 10-9-20 day of October, 2020, in the Year of Our Lord Two Thousand Twenty (2020), between WILLIAM MICHAEL GILBERT, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called "Grantor", and RICHARD BARRY GILBERT, 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 the said party of the first part, for and in consideration of the sum of Ten Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, all the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 135 and 136 of the 24th District and 3rd Section of Gordon County, Georgia, containing 1.05 acres and being more particularly described as shown on the plat of survey entitled "Boundary Survey for Barry Gilbert" prepared by George F. McLaughlin, III, P.L.S. No. 2745, of Terrain Solutions, LLC, dated July 24, 2020, 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 57, Page 161 to which said plat and the record thereof reference is incorporated herein and made a part hereof.

The above described land being a portion of the property that was conveyed to Larry Alan Westerlund pursuant to an Administrator's Deed from Ruth Olivia Powell, as Administrator of the Estate of Ethel McGaskey Cope, with said deed having been recorded on April 4, 2013 in Deed Book 1824, pages 123-125 in the Office of the Clerk of the Superior Court of Gordon County, Georgia.

TO HAVE AND TO HOLD, said bargained premises, together 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 parties of the second part, their heirs and assigns forever in Fee Simple.


And the said party of the first part, for their heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property unto the said parties of the second part, their heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said party of the first part have hereunto set her hand and affixed her seal the day and year first above written.

Signed, sealed and delivered in presence of:


Witness


WILLIAM MICHAEL GILBERT


Notary Public (Seal)
My commission expires 7-26-21



DEPARTMENTAL REVIEW - ENVIRONMENTAL HEALTH

Application # 221-03 Gilbert A-1 to R-1
V21-03 Variance

Date: 2/11/2021

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/ the variance.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z21-03 V21-03 Gilbert A-1 + O R - J
Variance

Date: 24FEB2021

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 # 221-03 Gilbert A-1 to R6
V21-03 Variance


Date: 2-9-21

Reviewed by: Steve

PUBLIC WORKS DEPARTMENT

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

If there is to be a new driveway or if the existing driveway is not permitted, builder/resident will need to acquire a permit from the Public Works Department.



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-03
APPLICATION NAME Richard Barry Gilbert
TYPE OF ZONING: A-1 to R-1
DATE: 2/11/2021
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property can be served by a 6" water line running along Riverbend Road.

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.