

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 21-06 DATE OF READING 5-18-2021
REZONE FROM A-1 TO R-6 Rural/Agricultural Reserve

APPLICANT Robert Burton

OWNER _____

LOCATION OF PROPERTY 10997 FAirmount Hwy
FAirmount, GA

DESCRIPTION OF PROPERTY
2.9 ACRES

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

1. Approval

STIPULATIONS:
All applicable state and local regulations shall be complied with especially Environmental Health and Georgia Department of Transportation

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
MAY 10, 2021**

The Gordon County Planning Commission held a Public Hearing on Monday, May 10, 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:

Jerry Lovelace	Nathan Serritt
Sabrina Poole	Eddie Smith

- * Jerry Lovelace 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 Eddie Smith to approve the minutes from the previous meeting of April 12, 2021. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z21-06, ROBERT BURTON
(tabled from 4/12/21 meeting)

Vice-Chairman Lovelace read rezoning application #Z21-06, Robert Burton, requesting to rezone a 2.90 acre tract located at 10997 Fairmount Hwy., Fairmount from A-1 to R-6. Mr. Burton represented the request explaining that he would like to sub-divide this property into 3 tracts and place 1,800 square foot mobile homes on each lot for re-sale. Stephen Delli, an area homeowner of 30 years, spoke in opposition to the rezoning stating it went against the ULDC. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the rezoning application identified as #Z21-06 from A-1 to R-6 with the condition that all applicable state and local regulations shall be complied with especially Environmental Health and Georgia Department of Transportation. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V21-09 & REZONING APPLICATION #Z21-07, CODY M. & BELINDA WEST (appl.) MICHAEL G. WEST (owner)

Vice-Chairman Lovelace read variance application #V21-09 and rezoning application #Z21-07, Cody M. and Belinda West (appl.) Michael G. West (owner), requesting a variance and rezoning on a 1 acre tract located at 268 W. Kinman Road, Calhoun. Gary West (owner) spoke stating that he wants to deed 1 acre to his son from his 39.50 acre tract to build a home and therefore asking to rezone to bring into compliance and needs a variance to reduce county road frontage from 75 feet to an easement drive. Cathryn Morrison Walraven and Keith Walraven, adjoining property owners, spoke to just be clear on the plans. All adjoining property owners had been notified.

On variance application #V21-09, Sabrina Poole made the motion to approve the variance as requested to access the new home site by an easement drive. Eddie Smith seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

Eddie Smith made the motion to approve the rezoning application identified as #Z21-07 from A-1 to R-1. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

Cover Sheet
Proposal for Land Use Action

Application Number: 221-06 Present Zoning: A-1 Proposed Zoning: R6

Date of Planning Commission Meeting: _____ 4-12-21

Date of Board of Commissioners' Meeting: _____ 4-20-21

Applicant: Robert Burton

Property Owner: (if different from applicant) N/A

Property Address: 10997 Fairmount Hwy, Fairmount GA 30734

Said Property having a frontage of ^{Hwy 53}704 _{Gillespie} 889 feet and containing 2.9 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Change zoning to R6

Subdividing property into 4 lots.

Reason for Proposed Action: To permit mobile home

on each lot which meet required lot

size and set backs.

Directions to Property: From Fairmount travel approx

1/2 miles west ~~on~~ Hwy 53. The property

fronts Hwy 53 on the left just

passed Gillespie Rd.

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

Rezoning Proposal

Date of Report: March 26, 2021

Application # Z21-06

Applicant/Property Owner: Robert Burton

Location of Property: 10997 Fairmount Hwy, Fairmount, GA 30139

Property Frontage: Hwy 53- 704 Feet & Gillespie Rd. – 889 Feet Tract Size: 2.90 Acres

Directions to property: Hwy 53E, out of Calhoun toward Fairmount. Second intersection of Hwy 53E and Gillespie Rd.

Proposed Action: Rezone from A-1, Agricultural District to R-6, Manufactured Housing.

Reasons for Proposed Action: Have divided the property into 4 lots for mobile homes.

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: Level 3 soil report on this whole tract to see if we can divide? These lots are small and challenging for bad soil. Existing record on 10997 (see attached). Existing drain field crossing proposed property line? Any wells on property?

Building Inspection Department: N/A

Fire Department: OK with Fire Department

Gordon County School System: N/A

Public Works Department: State ROW will require nothing from Public Works. However, if coming off Gillespie Rd land owner/developer will need to get a permit from the Public Works Department before crossing County ROW.

Georgia Dept. of Transportation: It is GDOT policy that individual drives shall not be approved for newly subdivided lots of less than 5 acres. Shared drives shall be used to provide access to smaller lots or subdivided properties. Please contact Brian Hufstetler at 770-344-7830 for residential access.

Water & Sewer (City of Calhoun): This area is served by an 8" water line on the east side of Hwy 53 and a 2" water line running along Gillespie Rd. 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 proposed zoning is compatible with the surrounding area. There are many mobile homes already in place on 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.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property, at its proposed size, 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 may 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.

Primary issues are to satisfy the needs of Environmental Health and the GDOT. The proposed zoning is compliance with our Future Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z21-06 is recommended for approval with the following conditions: All applicable state and local regulations shall be complied with especially EH and GDOT.

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

RURAL/AGRICULTURAL RESERVE

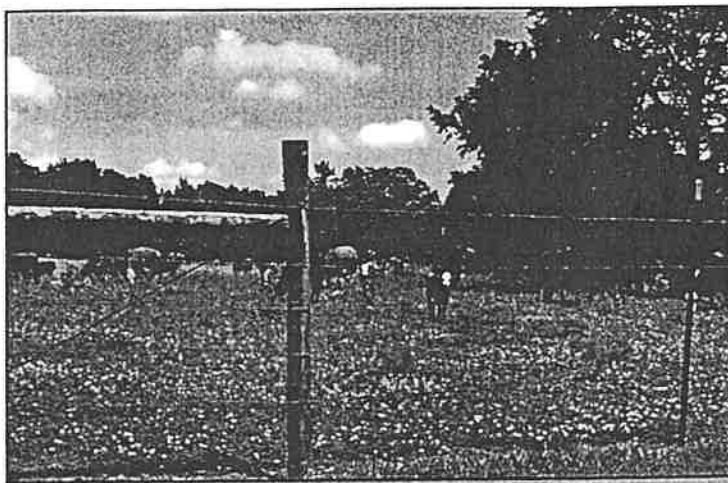
Description:

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)

221-06



This Message appears in blue on a copy certified as true and correct by Hartmanlaw, LLC

Return Recorded Document to:
Hartmanlaw, LLC
744 Noah Drive
Suite 110
Jasper, GA 30143
FILE #: J-21-351

Parcel Number: 111 030

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF PICKENS

THIS INDENTURE made this **12th day of March, 2021**, between **Russell James Tweed** of the County of **Gordon**, and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **Robert Keith Burton** 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 and valuable considerations 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 74 of the 23rd District, 2nd Section of Gordon County, Georgia, being Lot 40 of Deerfield Estates, as per plat recorded in Plat Book 11, page 120, Gordon County, Georgia Records, which said plat is incorporated herein by this reference and made a part of this description.

This Deed is given subject to all easements and restrictions of record.

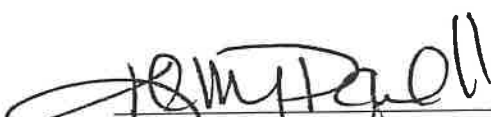
TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

221-06

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

Signed, sealed and delivered in presence of: **GRANTOR:**

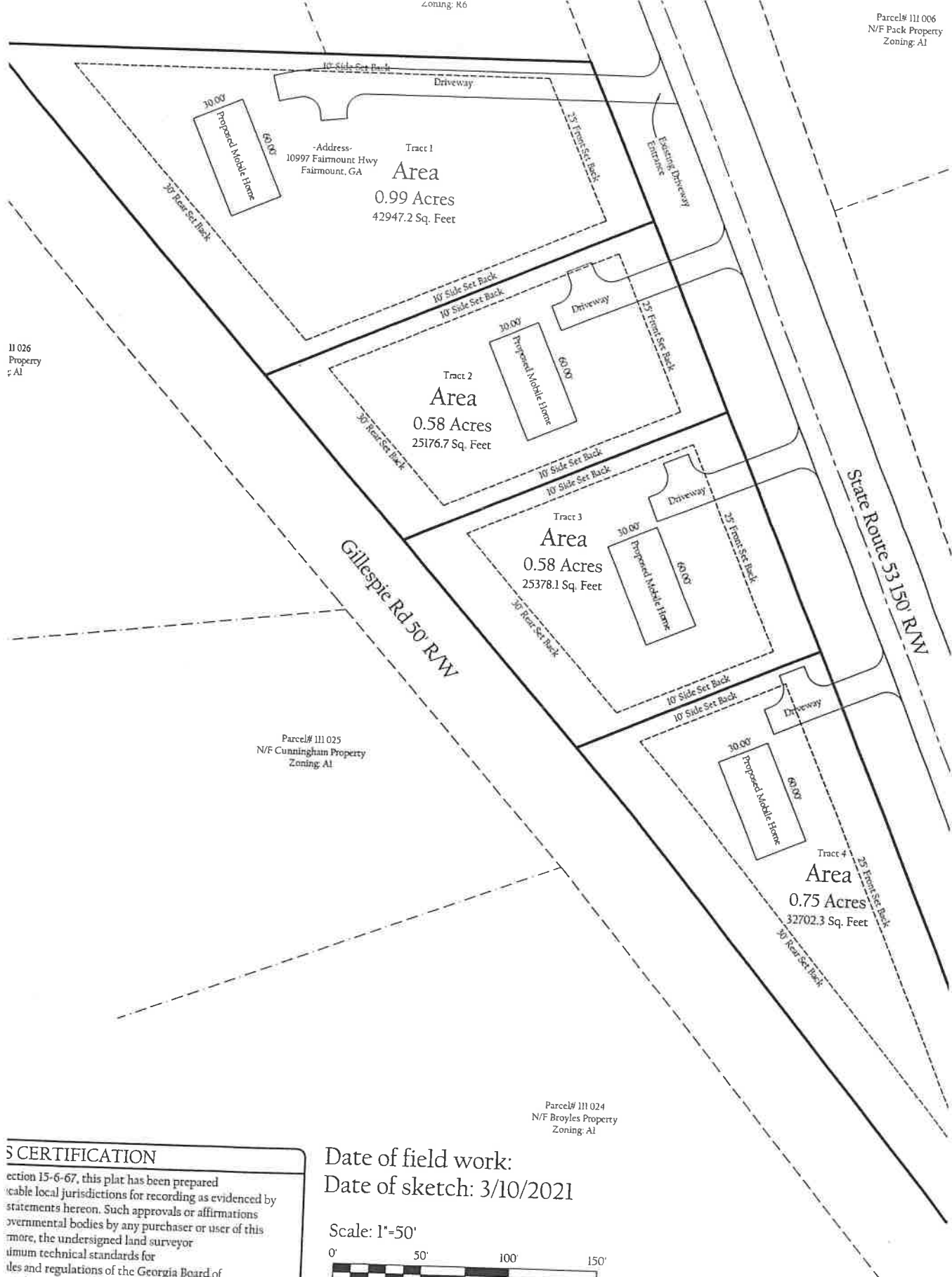


Witness

 (SEAL)

Russell James Tweed





11 026
Property
; A1

Parcel# 111 025
N/F Cunningham Property
Zoning: A1

Parcel# 111 024
N/F Broyles Property
Zoning: A1

CERTIFICATION

Section 15-6-67, this plat has been prepared in accordance with the applicable local jurisdictions for recording as evidenced by the statements hereon. Such approvals or affirmations by governmental bodies by any purchaser or user of this plat. Furthermore, the undersigned land surveyor certifies that the plat conforms to the minimum technical standards for plats and regulations of the Georgia Board of Land Surveyors and as set forth in O.C.G.A. Section 44-1-1.



Date of field work:
Date of sketch: 3/10/2021



THIS PLAT SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY.

THIS PLAT HAS BEEN CALCULATED TO HAVE A CLOSURE OF 1" IN 100,000.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED ON HAS A HORIZONTAL PRECISION OF N/A FEET AND A VERTICAL PRECISION OF N/A FEET AND WAS OBTAINED BY USING THE SOKKIA GRX-1 BASE STATION AND ROVER UNIT TO PRODUCE A R.T.K. NETWORK SURVEY.

FIELD WORK WAS DONE BY USING A SOKKIA GRX-1 GPS SYSTEM & CARLSON DATA COLLECTOR.



DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 221-06 Burton A-1 to R-6

Date: 3-25-21

Reviewed by: C Blain

ENVIRONMENTAL HEALTH

Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Environmental Health services:

Level 3 soil report on this whole tract to see if we can divide? These lots are small and challenging for bad soil.

Existing record on 10997 (see attached). Existing drain field crossing proposed property line?

Any wells on property?

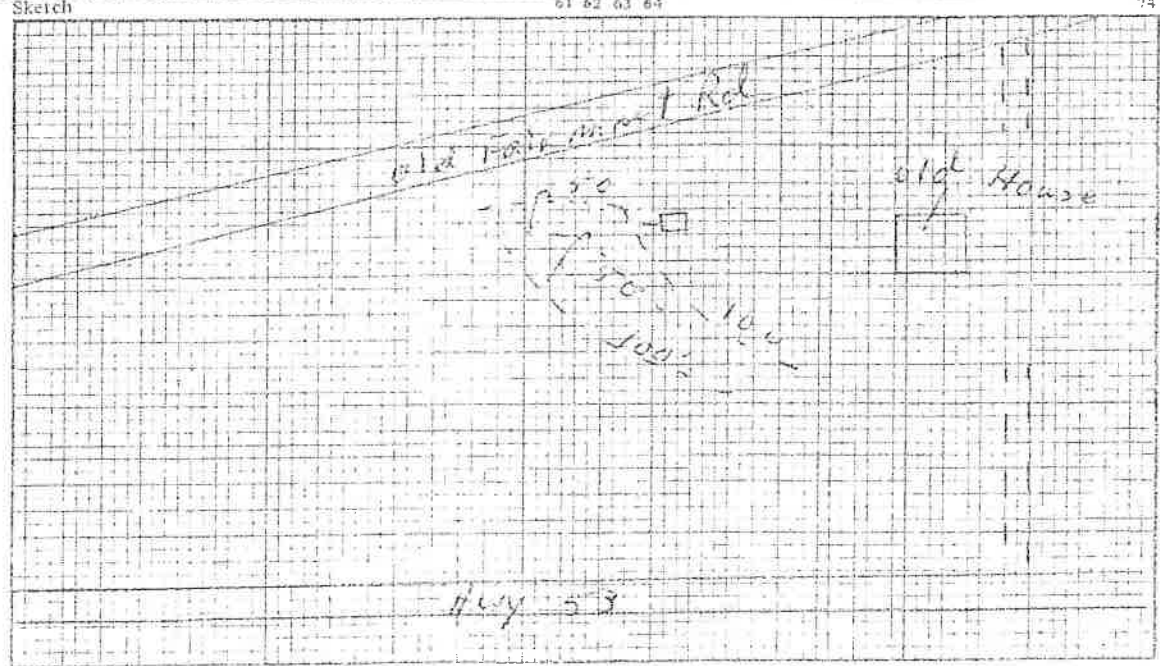
Georgia Department of Human Resources
INDIVIDUAL SEWAGE DISPOSAL SYSTEM INSPECTION REPORT

County Code 004	Construction Permit 4865	Case Number (PHA, VA, etc.)	Health Dist.	Day 27	Month 03	Year 55
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Property Location <p style="font-size: 1.2em;">Deerfield Est #40 10997 Fairmount Hwy</p>	Property Owner <p style="font-size: 1.2em;">Elvina Toward</p> Sewage Disposal Contractor <p style="font-size: 1.2em;">Steve Walker</p>	County
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ALL ITEMS: Blank = Not Applicable; 0 = Unknown *ITEMS: 1 = Yes 2 = No

SECTION A - GENERAL	SECTION B - PRIMARY TREATMENT	SECTION C - LOT SIZE	SECTION D - HEALTH AGENCY TIME
1. Type Water Supply: (1) Public, (2) Community, (3) Indiv. 3	1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Other 1		b. Total Linear Feet 1352
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other 29	2. Septic Tank Capacity (gallons): 43 44 1000		c. Length each Trench (feet) 65 66 67 68
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year 30	3. Unit / Tank / Compartment Capacity: 45 46 47 48 1000		d. Width of Trenches (inches) 69 70 36
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys, (3) Repair of Existing System - Years System Installed: (1) < 1 year, (2) 1 - 2, (3) 2 - 3, (4) 3 - 5, (5) 5 - 10, (6) > 10 31	4. Septic Tank Inside Length (feet): 49 50 51 52 10		e. Number of Trenches 7
5. Percolation Rate Min./In. 33	5. Septic Tank Inside Width (feet): 10		f. Distance between Trenches 10
6. *Is Property Part of a Subdivision? 34 35 36	6. Septic Tank Liquid Depth (feet): 10		g. Average Trench Depth (inches) 10
SECTION B - FACILITY:			h. * Aggregate Proper Size 10
1. ** Type Facility: See Code Below 37 38 39	7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other 53		i. * Aggregate Proper Depth 10
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons 39	8. Dosing Tank Capacity (gallons): 54 55 56		j. Distance from Building Foundation 10
3. Number Bedrooms or Gallons: 40 41 42 43 44	9. Grease Trap Capacity (gallons): 57 58 59		k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side 10
SECTION C - LOT SIZE:			l. Distance Nearest Property Line 10
1. Lot Depth (Average): 44	SECTION E - SECONDARY TREATMENT:		m. Distance Privy or Nitrification Field from Well 10
2. Lot Width (Average): 44	1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial 3	SECTION F - HEALTH AGENCY TIME:	
3. Building Line (Feet): 44	2. Nitrification Field: 60	1. Total Inclusive Time (min.): 71 72 73	
		SECTION G - SYSTEM APPROVED:	
		1. * Yes 74	
		2. No 74	



Inspected By: <i>John Harne</i>	Title: <i>P.H.S.</i>	Health Agency:
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DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z21-06 Burton A-1 to R-6

Date: 17MAR2021

Reviewed by: G. Hasty and 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

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 221-06 Burton A1 to R-6

Date: 3-17-20

Reviewed by: Steve

PUBLIC WORKS DEPARTMENT

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

State ROW will require nothing from Public Works

DEPARTMENTAL REVIEW – STATE OF DEPARTMENT TRANSPORTATION

Application # Z21-06 Burton A-1 to R-6

Date: 3/18/2021

Reviewed by: Donovan Tucker

STATE DEPARTMENT OF TRANSPORTATION

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

It is GDOT policy that individual drives shall not be approved for for newly subdivided lots of less than 5 acres. Shared drives shall be used to provide access to smaller lots or subdivided properties. Please contact Brian Hufstetler at 770-344-7830 for residential access

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-06
APPLICATION NAME ROBERT BURTON
TYPE OF ZONING: A-1 TO R-6
DATE: 3/19/2021
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY AN 8" WATER LINE ON THE EAST SIDE OF HWY. 53 AND A 2" WATER LINE RUNNING ALONG GILLIESPIE 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.