

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 21-20 DATE OF READING 8-17-2021
REZONE FROM A-1 TO R-1 Low Density Residential

APPLICANT Kenneth + Amanda McCoy

OWNER _____

LOCATION OF PROPERTY 423 Dutton Community Rd.
Adairsville, GA

DESCRIPTION OF PROPERTY
1.0 ACRES

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

- Approval

STIPULATIONS:

REZONING APPLICATION #Z21-19, KENNETH & AMANDA MCCOY

Chairman Rule read rezoning application #Z21-19, Kenneth and Amanda McCoy, requesting to rezone 3.45 acres located at 421 Dutton Community Rd., Adairsville from A-1 to RA-1. Mr. and Mrs. McCoy explained that they would like to build a small home for their aging parents. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the rezoning application identified as #Z21-19 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 #Z21-20, KENNETH & AMANDA MCCOY

Chairman Rule read rezoning application #Z21-20, Kenneth and Amanda McCoy, requesting to rezone 1 acre located at 423 Dutton Community Rd., Adairsville from A-1 to R-1. Mr. and Mrs. McCoy explained that they would like to reclassify to residential to bring into compliance this 13 year old home that had been subdivide from a larger tract years ago. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z21-20 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 #V21-15, SON NGUYEN

Chairman Rule read variance application #V21-15, Son Nguyen, requesting a variance on a 4.354 acre tract located at 5160 Nickelsville Road, Resaca. No one was present to represent the application. All adjoining property owners had been notified.

Sabrina Poole made the motion to table the variance application identified as #V21-15 until the September 13, 2021 meeting. Jerry Lovelace seconded the motion. All voted aye. The variance was tabled until the September 13, 2021 meeting.

**VARIANCE APPLICATION #V21-16, CFL HOLDINGS USA, LLC (appl.)
DEVELOPMENT AUTHORITY OF GORDON COUNTY (owner)**

Chairman Rule read variance application #V21-16, CFL Holdings USA, LLC (appl.) Development Authority of Gordon County (owner), requesting to increase height requirements on 63.15 acres located at corner of Highway 41 South and Trimble Hollow Road. Terry Brumlow, a local attorney, represented the request explaining that a variance from building height of 60 feet in I-2 zonings is needed to allow for high capacity silos to support new and efficient high speed production equipment. Said silos with equipment should reach a height of 100 feet. All adjoining property owners had been notified.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 221-20 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: August 9, 2021

Date of Board of Commissioners' Meeting: August 17 2021

Applicant: Kenneth + Amanda McCoy

Property Owner: (if different from applicant) _____

Property Address: 423 Dutton Community Rd, Adairsville, GA 30103

Said Property having a frontage of 2500 feet and containing 1 acres.

Future Development Map Classification: Rural/Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural District

Proposed Action: to reclassify zoning to residential
to bring into compliance with zoning.

Reason for Proposed Action: Property was subdivided from a larger
tract. to properly classify 13 year old home to
years ago. residential

Directions to Property: _____

Hwy 53 to Plainview Rd turn Right

Turn left on East Plainview Rd

Immediate Left on Dutton Community Rd

turn Left 423 Dutton Community Rd

Name @ ~~the~~ end of gravel drive

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

Rezoning Proposal

Date of Report: July 23, 2021

Application # Z21-20

Applicant/Property Owner: Kenneth and Amanda McCoy

Location of Property: 423 Dutton Community Rd. SE, Adairsville, GA 30103

Property Frontage: 25 +/- Feet **Tract Size:** 1.00 Acres

Directions to property: Hwy US 53E, turn right onto Plainview Rd. Turn left on E Plainview Rd. Immediate left onto Dutton community Rd. drive on left #423. Property is at the end of gravel road.

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

Reasons for Proposed Action: The property was subdivided from a larger tract and need to bring it into compliance with zoning. Hardship is based on purchasing the existing house with an acre back in 2015 and the adjacent lot. We were unaware that the property was not zoned correctly or did not have the proper road frontage.

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 with EH.

Building Inspection Department: N/A

Fire Department: OK with Fire Department.

Gordon County School System: N/A

Public Works Department: At address 423 has existing driveway if there is to be any improvements it will require a permit from the Public Works Dept.

Georgia Dept. of Transportation: N/A.

Water & Sewer (City of Calhoun): This property is served by a 6" 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

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 surrounded by A-1 zoning on small lots used for residential purposes.

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 house has been there since 2015.

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 not compliance with the zoning standards.

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.

The proposed zoning is in compliance with the Future Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z21-20 is recommended for approval

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)

Recorded 03/13/2015 11:07
Doc: 10 Prod: 307073
TRANSFER TAX: 108.00
TRANSFER TAX ID: 0642015000344
Grant #1171000, C.S.C.
GORDON County, Ga
DEED Bk: 1937 Pg: 162

221-20

Record and Return to:
Morris | Schneider | Wittstadt, LLC
343 Creekstone Ridge
Woodstock, GA 30188
Order No.: GA-043-00037-15-PUR

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

THIS INDENTURE, made this 6th day of March, 2015, between

Katelyn E. Bridges a/k/a Katelyn Day and Daniel G. Day

as party or parties of the first part, hereinafter called Grantor, and

Amanda S. McCoy and Kenneth H. McCoy as Joint Tenants With Right of Survivorship

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 00/100's DOLLARS (\$10.00) and other good and valuable consideration 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, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 90 of the 6th District, 3rd Section, Gordon County, Georgia, and being 1.00 acre, per plat thereof recorded in Plat Book 43, Page 105, and revised plat recorded at Plat Book 49, Page 257, Gordon County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

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

Signed, sealed and delivered
in the presence of

GRANTOR:

Unofficial Witness

Katelyn Day (Seal)

Katelyn E. Bridges a/k/a Katelyn Day

Daniel G. Day (Seal)

Notary Public
My Commission Expires:

[Notary Seal]

V21-14

Recorded 03/13/2015 11:07
Deed ID: P0437 307070
TRANSFER TAX: 125.00
TRANSFER TAX ID: 0642015000344
Grant Writeman, C.S.C.
GORDON County, Ga
DEED BK: 1937 Pg: 162

Record and Return to:
Morris | Schneider | Wittstadt, LLC
343 Creekstone Ridge
Woodstock, GA 30188
Order No.: GA-043-00037-15-PUR

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Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

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

Signed, sealed and delivered
in the presence of


Unofficial Witness

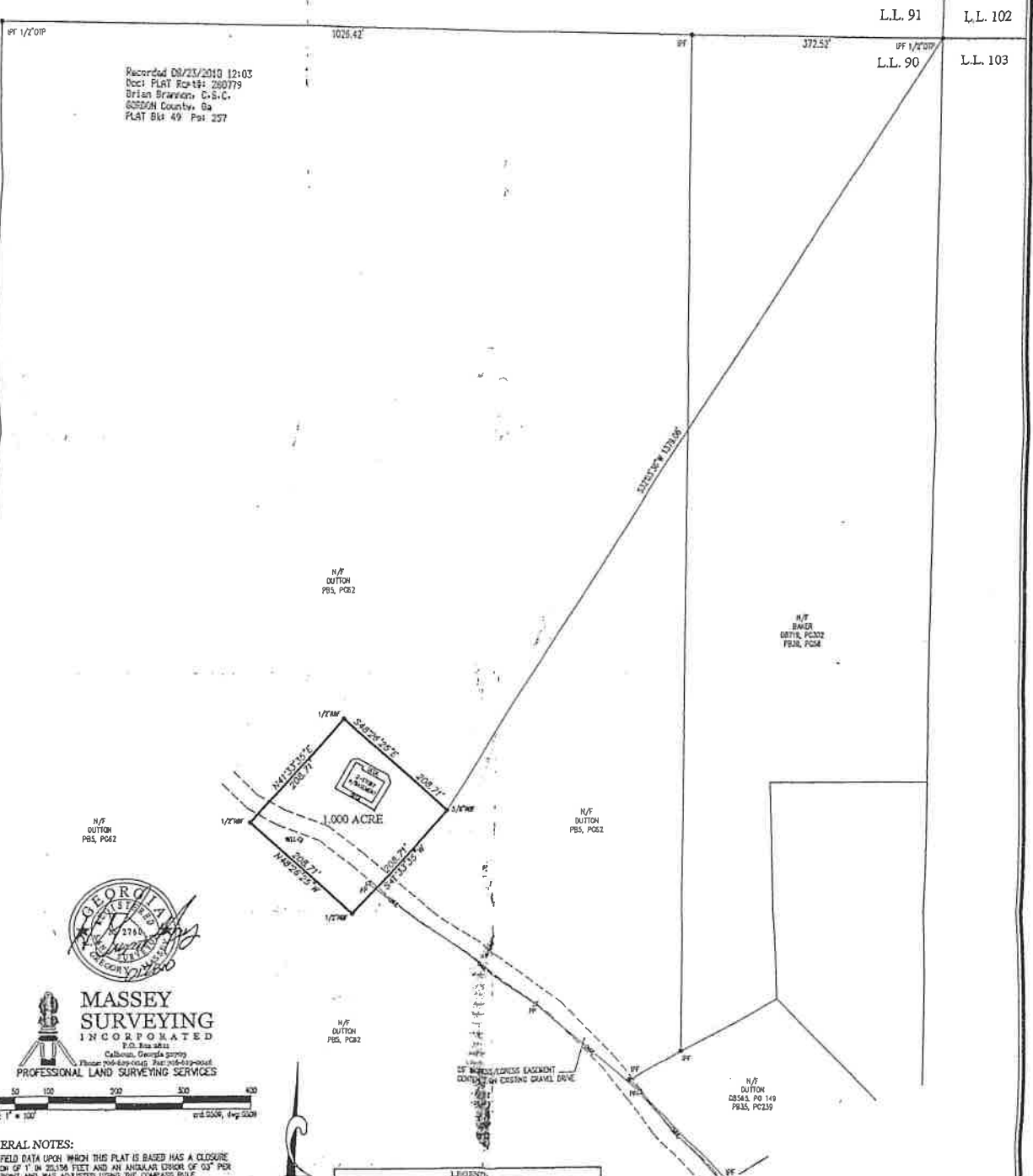
GRANTOR:

 (Seal)
Katelyn E. Bridges a/k/a Katelyn Day
 (Seal)
Daniel G. Day

Notary Public
My Commission Expires: _____

[Notary Seal]

221-20



Recorded 08/25/2010 12:03
 Doc: PLAT 2010-028779
 Brian Brannen, C.S.C.
 GUSCON County, Ga
 PLAT 814-49 Pgs 257

L.L. 91
 L.L. 102
 L.L. 90
 L.L. 103



MASSEY SURVEYING INCORPORATED
 Callahan, Georgia 30709
 Phone: 706-895-0811 Fax: 706-895-0801
 PROFESSIONAL LAND SURVEYING SERVICES

- GENERAL NOTES:**
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 IN 250,000 FEET AND AN ANGULAR ERROR OF 0.37 PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
 2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 IN 100,000 FEET.
 3. EQUIPMENT USED: SONGMA TOTAL STATION WITH DATA COLLECTOR.
 4. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATH OF TRAILS.
 5. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD REVIEWED ARE NOTED HEREON. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT MAY AFFECT THIS SURVEYED PARCEL.
 6. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, CONVERSE TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 7. ALL PROPERTY OWNERS ARE CARRIED 1/720THS, EXCEPT AS SHOWN.
 8. DATED OF FIELD WORK: JANUARY 28, 2010
 9. DATE OF PLAT: JANUARY 28, 2010
 10. JOB NO. 0508

LEGEND:

RSF	= REBAR FOUND	R/W	= RIGHT OF WAY
RSB	= REBAR SET	PL	= PROPERTY LINE
DTP	= OPEN TOP	CL	= CENTER LINE
CP	= CORNER TOP	BL	= BUILDING LINE
DB	= DEED BOOK	LL	= LAND LOT
PL	= PLAT BOOK	LLL	= LAND LOT LINE
PO	= PAGE	DE	= DRAINAGE EASEMENT
N/T	= NOW OR FORMERLY	SE	= SEWER EASEMENT
-OHL-	= OVERHEAD UTILITY LINE	FI	= FIRE HYDRANT
-L-	= FENCE LINE	MH	= MANHOLE
PP	= POWER POLE	DNB	= DOUBLE WING CATCH BASIN
RAD	= RADARS	SNB	= SINGLE WING CATCH BASIN
DL	= DRINK LENGTH	D	= DROP INLET
MC	= MET LENGTH	LB	= LINGERING SET

SURVEY FOR:
CHRISTOPHER W. FORTENBERRY
TAMMY F. FORTENBERRY
 LOCATED IN LAND LOT 90
 6th DISTRICT, 3rd SECTION
 GORDON COUNTY, GEORGIA

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 221-20 McClay A1-to R-1

Date: 7/23/21

Reviewed by: CBlair

ENVIRONMENTAL HEALTH

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

No issues with EH.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z 21-20 McCoy A-1 to R-1

Date: _____

Reviewed by: _____

FIRE DEPARTMENT

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

Ok with Fire Department

Ron Chance

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # V21-14 McLoy Variance

Date: 7-22-21

Reviewed by: Steve

PUBLIC WORKS DEPARTMENT

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

At address 423 has existing driveway if there is to be any improvements it will require a permit from the Public Works Dept.



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-19
APPLICATION NAME Kenneth McCoy
TYPE OF ZONING: A-1 to RA-1
DATE: 7/20/2021
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 6" 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.