

INFORMATION SHEET FOR REZONING REQUESTS

Application # 221-33 DATE OF READING 11-16-2021
REZONE FROM A-1 TO RA-1 residential agricultural
district

APPLICANT Stephen Ware

OWNER C. Yvette Dickens

LOCATION OF PROPERTY 5247 Roland Hayes Pkwy
Calhoun

DESCRIPTION OF PROPERTY
6.0 ACRES

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

- Approval

STIPULATIONS:

On variance application #V21-20, Nathan Serritt made the motion to approve the variance and allow construction of a new home with only 25 feet of county road frontage. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained. On rezoning application #Z21-31, Nathan Serritt made the motion to approve the rezoning from A-1 to R-1 on the 1.96 acre tract. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z21-32, KEVIN OSBOURNE (appl.) SUNBELT HOLDING, LLC (owner)

Chairman Rule read rezoning application #Z21-32, Kevin Osbourne (appl.) and Sunbelt Holding, LLC (owner), requesting to rezone a 1.59 acre tract located at 572 Millers Ferry Rd., Adairsville from R-1 to R-6. Mr. Osbourne explained that he would like to renovate a double wide mobile home, clean up the lot and sell the property. The home will be renovated to like new condition prior to sale. Area and adjoining property owners Theresa Barger and Leon Holloway had concerns about setting precedence for additional mobile homes in the area and also the floodplain issue with this lot. All adjoining property owners had been notified.

Sabrina Poole made the motion to approve the rezoning application identified as #Z21-32 from R-1 to R-6. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z21-33, STEVEN WARE (appl.) C. YVETTE DICKENS (owner)

Chairman Rule read rezoning application #Z21-33, Steven Ware (appl.) and C. Yvette Dickens (owner), requesting to rezone a 6 acre tract located at 5247 Roland Hayes Pkwy., Calhoun from A-1 to RA-1. Mr. Ware explained that he would like to renovate the existing farmhouse and subdivide off 2 additional tracts to convert into three single family dwellings. Area property owner Anthony Boone had concerns about the plans for the property. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z21-33 from A-1 to RA-1, with the stipulations that all requirements are met from Environmental Health, Building Inspector, and Georgia D.O.T. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V21-21, RONALD BALLIEW

Chairman Rule read variance application #V21-21, Ronald Balliew requesting a variance for a 9.858 acre tract located at 1174 Dempsey Loop Road, SE, Adairsville. Mr. Balliew represented the request explaining that he would like to build an 18 x 29 storage shed 7 feet from the adjoining property line, therefore asking for a 13 foot variance. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the variance and allow construction of storage shed 7 feet from side property line and grant the 13 foot variance. Nathan Serritt seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 221-33 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: Nov 8

Date of Board of Commissioners' Meeting: 16

Applicant: Stephen Ware

Property Owner: (if different from applicant) C. Yvette Dickens

Property Address: 5247 Roland Hayes Pkwy, Calhoun, GA 30701

Said Property having a frontage of 966.58 feet and containing 6 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural District

Proposed Action: Subdivide property into three tracts.

Reason for Proposed Action: Subdivide property to convert to three single family dwellings.

Directions to Property: START: Gordon County Government office
- turn RIGHT onto N. River St. ~0.2 mi
- turn LEFT onto W. Line St. (#156) ~9.8 mi
- turn RIGHT onto Roland Hayes Pkwy ~300ft
END: 5247 Roland Hayes Pkwy.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: October 22, 2021

Application # Z21-33

Applicant/Property Owner: Steven Ware (appl) C. Yvette Dickens (owner)

Location of Property: 5247 Roland Hayes Pkwy., Calhoun, GA 30701

Property Frontage: 966.58 +/- Feet **Tract Size:** 6.00 +/- Acres

Directions to property: Start at the Gordon County Government Office, turn right onto N. River St. @0.2 miles, turn left onto W. Line St (#156) @ 9.8 miles, turn right onto Roland Hayes Pkwy @ 300 ft end at 5247 Roland Hayes Pkwy.

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

Reasons for Proposed Action: To subdivide the property into three tracts and convert to three single family dwellings.

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: Where is septic tank, dbx and drainfield for existing house #5247? Owner needs to have a licensed septic contractor locate and flag system to be sure drainfield doesn't cross newly proposed property lines. (No records on file). If not, then 2.00+ acres should be sufficient for house even if a drip emitter system is required. Ex house #5247 should also have sufficient area for future repairs. Have owner submit back to me septic system sketch/location by licensed contractor.

Building Inspection Department: Portions of this property are located within the floodplain and all structures must comply with the Gordon County Floodplain Ordinance.

Fire Department: OK with Fire Department

Gordon County School System: N/A

Public Works Department: N/A

Georgia Dept. of Transportation: Individual drives shall not be approved for newly subdivided lots of less than 5 acres. Subdivision streets or shared drives shall be used to provide access to smaller lots or subdivided properties.

Water & Sewer (City of Calhoun): This area is served by an 8" water line. No City sewer 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 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 compatible with the surrounding properties for housing, there are smaller agricultural lots used for dwellings.

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 exceeds the minimum lot size for A-1 zoning and has the potential to be developed accordingly.

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 since they will have to follow the DOT driveway regulations.

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 compatible to the surrounding.

Planning Staff's Recommendation

The Rezoning Application #Z21-33 is recommended for approval as long as it satisfies the needs of Environmental Health, DOT and the Building Inspection Departments.

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)

Recorded 04/07/2020 11:52
Doc: QCD Rcpt#: 336396
TRANSFER TAX ID: 0642020000590
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Blr: 2316 Pgs: 265-266

After Recording, Return This Document to:
William R. Thompson, Jr., Esq.
P.O. Box 485
Calhoun, GA 30703-0485

STATE OF GEORGIA
COUNTY OF GORDON

QUIT-CLAIM DEED

THIS INDENTURE made this, the 25th day of MARCH, in the year of our Lord, Two Thousand and Twenty by and between **MARY RUTH THOMAS**, (hereinafter referred to as "Grantor") and **CHARLOTTE YVETTE THOMAS DICKENS** of the State of Georgia and County of Floyd and **CULTON BROOKS THOMAS**, of the State of Georgia and County of Whitfield of the Second Part (hereinafter called "Grantees"), the words "Grantor" and "Grantees" 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 \$1.00 and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby devise, convey and forever quitclaim unto the said Grantee any and all interest it has, or may have had, in and to the following described property:

All that tract or parcel of land lying and being in the 24th District and 3rd Section of Gordon County, Georgia being parts of Land Lot Nos. 27 and 54 thereof, and described as follows: Beginning at a point on the North side of the Old Rome-Dalton Road, at the Southwest corner of lands of Fuller, formerly McDougle; thence running in a Northerly direction along with the line of Fuller, formerly McDougle, to an iron stake; running thence in a Westerly direction along the South line of Fuller, formerly McDougle property, to the center of Rocky Creek; running thence Southerly along the middle of said Rocky Creek to the point to where said creek intersects the said Dalton-Rome Public Road; thence running in an Easterly direction along and with the Northerly side of said Dalton-Rome Public Road to the point of beginning. Said land being bounded as follows: On the North by Rocky Creek and Fuller Property; On the East by Fuller Property; On the South by Dalton-Rome Public Road; and on the West by Rocky Creek. Consisting of 7 acres, more or less.

221-33

TO HAVE AND TO HOLD the said described premises to Grantee so that neither Grantor nor any person or persons claiming under Grantor shall at any time by any means or ways, have claim or demand for any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and affixed its seal the day and year above first written.

Mary Ruth Thomas
MARY RUTH THOMAS

Signed, sealed and delivered
in the presence of:

W. M. R. [Signature]
Jayne L. Prather

Notary Public - GA State at Large
My Commission Expires 5-1-23

N.P. SEAL AFFIX:

Parcel #: 009-032
N/F Peller Property
51.0 Acres
Plat book: 6
Page: 56
Zoning: A-1

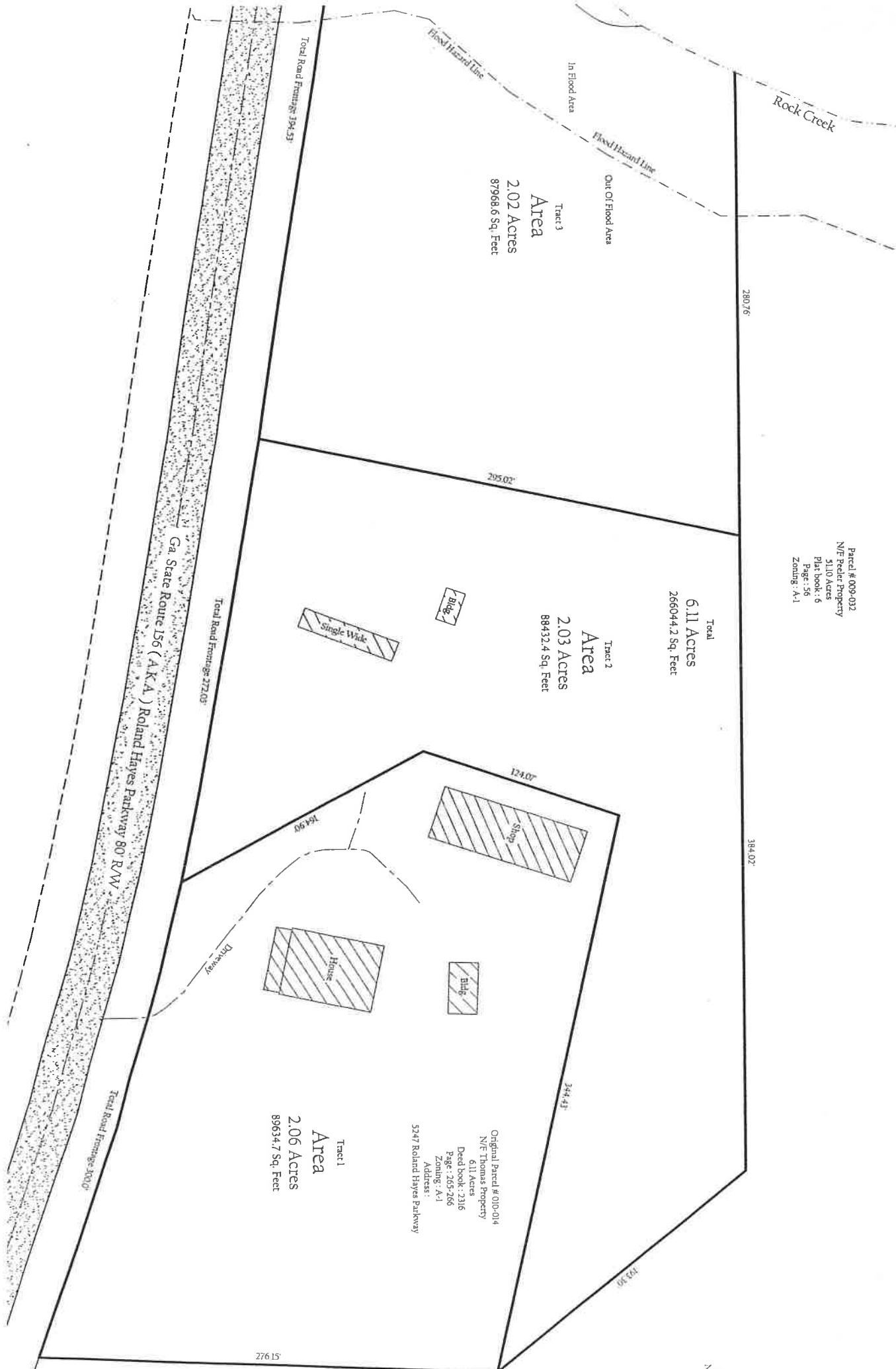
Total
6.11 Acres
266044.2 Sq. Feet

Tract 2
2.03 Acres
88432.4 Sq. Feet

Tract 3
2.02 Acres
87968.6 Sq. Feet

Tract 1
2.06 Acres
89634.7 Sq. Feet

Original Parcel # 010-014
N/E Thomas Property
6.11 Acres
Deed book: 2316
Page: 265-266
Zoning: A-1
Address:
5247 Roland Hayes Parkway



DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 221-33 Dickens A-1 to RA-1

Date: 10/21/21

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

Where is septic tank, dbox and drainfield for existing house ~ #5247? Owner needs to have a licensed septic contractor locate and flag system to be sure drainfield doesn't cross newly proposed property lines. (No records on file).

If not, then 2.00+ acres should be sufficient for houses even if a drip emitter system is required.

Ex house #5247 should also have sufficient area for future repairs.

Have owner submit back to me septic system sketch/ location by licensed contractor.

DEPARTMENTAL REVIEW – BUILDING INSPECTION DEPARTMENT

Application # Z 21-33 Dickens A-1 to RA-1

Date: 10/19/21

Reviewed by: Tom Burgess

BUILDING INSPECTION DEPARTMENT

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

PORTIONS OF THE PROPERTY ARE LOCATED WITHIN THE FLOODPLAIN. AND ALL STRUCTURES MUST COMPLY WITH THE GORDON COUNTY FLOODPLAIN ORDINANCE.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 221-33 Dickens A-1 to RA-1

Date: 10/13/21

Reviewed by: R. Chance G. Hasty

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 – STATE OF DEPARTMENT TRANSPORTATION

Application # 221-33 Dickens A-1 to RA-1

Date: 10/13/2021

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:

Individual drives shall not be approved for newly subdivided lots of less than 5 acres. Subdivision streets or shared drives shall be used to provide access to smaller lots or subdivided properties

Please contact Brian Hufstetler at 770-344-7830 for residential driveway permits.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-33
APPLICATION NAME Stephen Ware
TYPE OF ZONING: A-1 to R-1
DATE: 10/21/2021
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" 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.