

INFORMATION SHEET FOR REZONING REQUESTS

Application # 22-04 DATE OF READING 4-12-2022

REZONE FROM A-1 TO RA-1 Residential/Agricultural

APPLICANT Stephen Ware

OWNER The Landlord, Inc.

LOCATION OF PROPERTY 195B Daisy St. NW

Resaca, GA

DESCRIPTION OF PROPERTY

5.0 +/- ACRES

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

- Approval

STIPULATIONS:

**VARIANCE APPLICATION #V22-02 & REZONING APPLICATION #Z22-02,  
JEFFREY SCOTT LUNSFORD**

Chairman Rule read variance application #V22-02 and rezoning application #Z22-02, Jeffrey Scott Lunsford for 2 acres located at 976 Hwy. 53W, SW, Calhoun. Mr. Lunsford represented the requests explaining that he request the variance to reduce the county road frontage requirement from 100 feet to 32.55 feet. Also, to reduce buffer strip from 25 feet on the side of the property line to 10 feet and rezone property from A-1 to C-G to grade off and level the left side of the driveway for potential future growth of family businesses. All adjoining property owners had been notified.

On variance application #V22-02, Nathan Serritt made the motion to approve the variance as requested and reduce road frontage requirements from 100 feet to 32.55 feet and reduce buffer strip from 25 feet on the side of property line to 10 feet. Sabrina Poole seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z22-02, Nathan Serritt made the motion to approve the rezoning request from A-1 to C-G. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z22-03, BRIAN & PAM LONG**

Chairman Rule read rezoning application #Z22-03, Brian and Pam Long, requesting to rezone a 3.79 acre tract located on Shope Lake Road, Calhoun from C-G to A-1. Ms. Long represented the request explaining that they had purchased the entire 12.25 acre tract and would like to rezone the 3.79 acre commercial tract back to agricultural to be able to possibly use for cattle. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the rezoning application identified as #Z22-03 from C-G to A-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z22-04, STEVEN WARE (appl.)  
THE LANDLORD. INC. (owner)**

Chairman Rule read rezoning application #Z22-04, Steven Ware (appl.) and The Landlord, LLC (owner), requesting to rezone a 5 acre tract located at 195B Daisy Street, Resaca from A-1 to RA-1. Flipper McDaniel, owner, represented the request explaining that he would like to subdivide the property to convert into two single affordable family dwellings. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z22-04 from A-1 to RA-1. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

ADDITIONAL BUSINESS

There being no additional business, Nathan Serritt made the motion to adjourn. Jerry Lovelace seconded the motion. All voted aye. The meeting was adjourned at 6:21 p.m.

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Zelda Gregg, Secretary

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Randy Rule, Chairman  
Jerry Lovelace, Vice-Chairman

**Cover Sheet  
Proposal for Land Use Action**

Application Number: 222-04 Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: March 14, 2022

Date of Board of Commissioners' Meeting: April 12, 2022

Applicant: STEPHEN WARE

Property Owner: (if different from applicant) THE LANDLORD, INC.

Property Address: 195 B DAISY ST.

Said Property having a frontage of 207.17 feet and containing 5 acres.

Future Development Map Classification: Rural/Agricultural Reserve

Current Zoning Map Classification: Agricultural District

Proposed Action: Subdivide property into two tracts.

Reason for Proposed Action: Subdivide property to convert into two single affordable family dwellings.

Directions to Property: START: Gordon County Government office

- turn RIGHT onto N. River St.

- turn RIGHT onto Hall Memorial Rd NW cross

Over Hwy 136 to Hyde Rd - turn RIGHT onto Daisy St. NW

END: 195 B Daisy St.

Over Hwy 136 to Hyde Rd - go 1 mile →

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

**Date of Report:** February 25, 2022

**Application #** Z22-04

**Applicant/Property Owner:** Stephen Ware (appl) The Landlord, Inc. (owner)

**Location of Property:** 195B Daisy St., NW, Resaca, GA 30735

**Property Frontage:** 207.17 +/- Feet    **Tract Size:** 5.00 +/- Acres

**Directions to property:** Proceed on N River St, turn right onto Hall Memorial Rd cross over Hwy 136 onto Hyde Rd. go about 1 mile turn right onto Daisy St, go about ¼ mile to property on right, enter from existing easement to get to the back side of property.

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

**Reasons for Proposed Action:** Subdivided property to convert into two single affordable 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:* Our office will require Level III Soil Report for Tract 1 at time of application w/our office, for issuance of septic permit. Existing System Evaluation will be needed for Tract 2 of Home Relocation /Construction Permit is needed.

*Building Inspection Department:* N/A

*Fire Department:* OK with Fire Department.

*Gordon County School System:* N/A

*Public Works Department:* This location will require permits fro driveways.

*Georgia Dept. of Transportation:* N/A

*Water & Sewer (City of Calhoun):* This area 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 Pubic 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 located in an older residential area with small tracts used for agricultural 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.

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

The subject property can remain as zoned but can only be used for one dwelling as zoned.

*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 because it will be developed for just one more dwelling.

*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 with the Future Land Use Map.

**Planning Staff's Recommendation**

The Rezoning Application #Z22-04 is recommended for approval.

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

## RURAL/AGRICULTURAL RESERVE

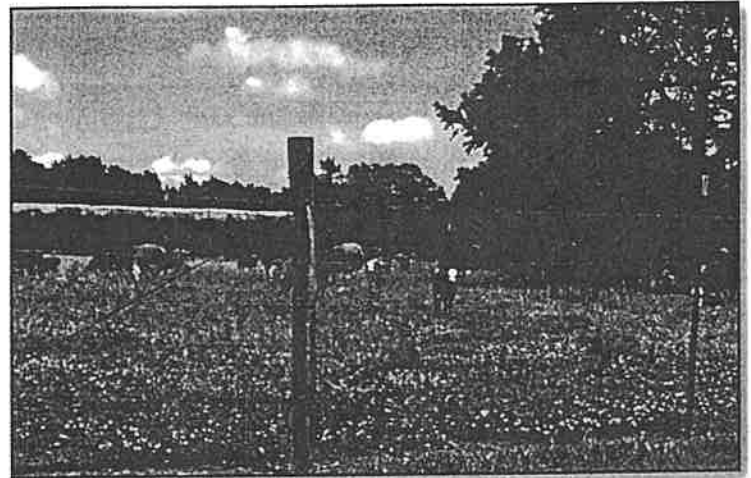
### Description:

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)

222-04

Recorded 01/12/2022 2:30  
Doc: WD Rcpt#: 351815  
TRANSFER TAX: 80.00  
TRANSFER TAX ID: 0642022000086  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 2571 Pg: 343

Return Recorded Document to:  
Brumlow, Corwin & Delashmit, P.C.  
1287 Curitts Parkway SE  
Calhoun, GA 30701  
File #1021G470

STATE OF GEORGIA  
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 29th day of December, 2021 between LARRY RHINEHART, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and THE LANDLORD, INC., 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 (\$10.00) Dollars 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 316 of the 13th District and 3rd Section of Gordon County, Georgia and being more particularly described as follows:

Beginning at an iron pin located on the South side of Daisy Street (a fifty foot right of way) at a point 1,140.50 feet from the point where the South right of way of Daisy Street intersects the East right of way of County Road 145; thence East 208.71 feet to an iron pin; thence South 626.13 feet to an iron pin; thence West 417.42 feet to an iron pin; thence North 417.42 feet to an iron pin; thence East 208.71 feet to an iron pin; thence North 208.71 feet to an iron pin on the South right of way of Daisy Street, the point of beginning. Said tract being 5 acres as shown on a plat prepared by Carl W. Freeman, Surveyor, dated April 27th, 1974. Said property is known as 195 B Daisy Street, NW, Resaca, GA. The property contains a Mobile or Manufactured home which is permanently affixed to the real property and considered a fixture thereto and a component of real property to the borrower.

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


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.

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 whomsoever.

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:

  
\_\_\_\_\_  
Witness

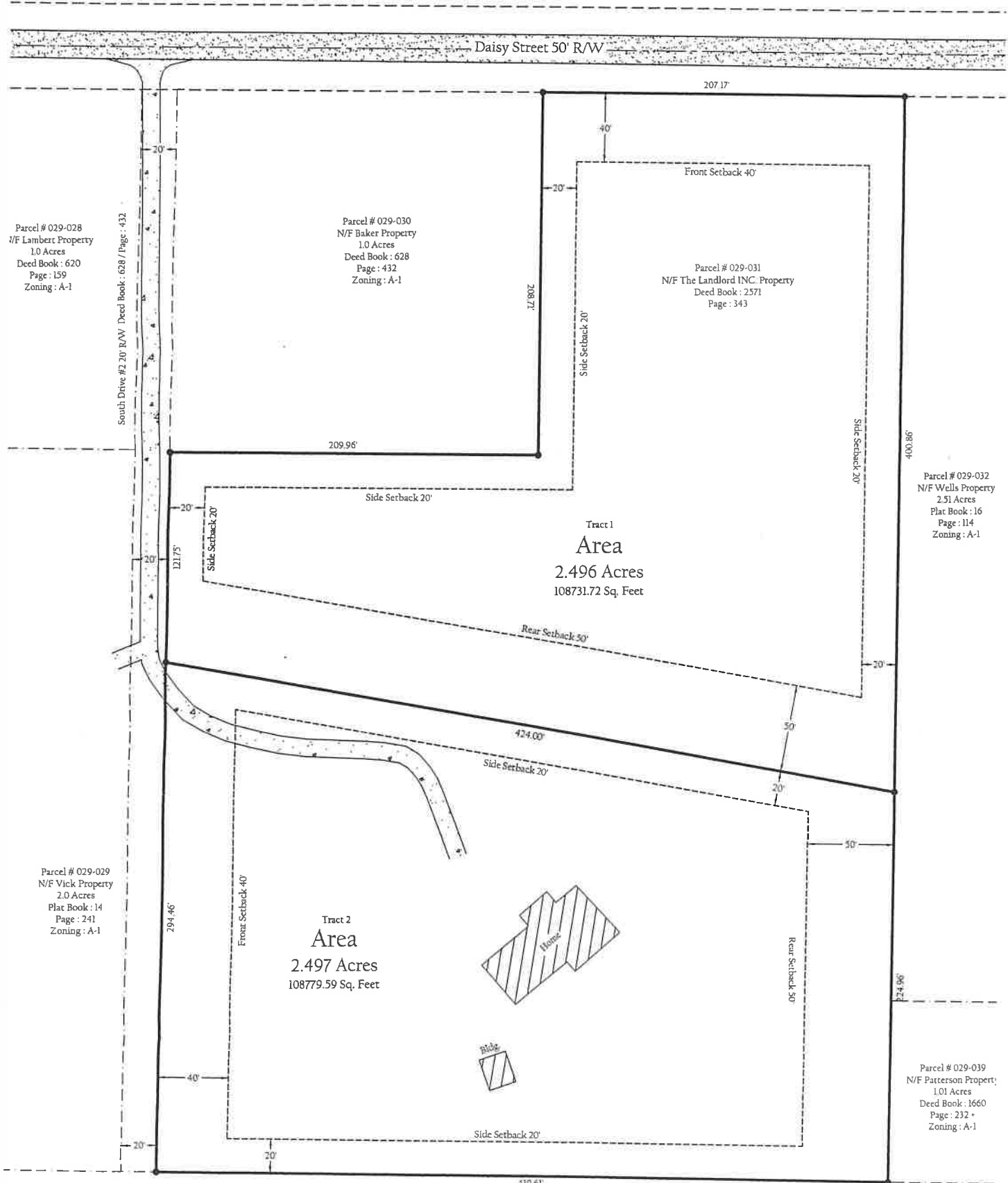
  
\_\_\_\_\_  
Notary Public



  
\_\_\_\_\_  
LARRY RHINEHART (Seal)



LOCATED IN LAND LOT 316, 13th DISTRICT &  
3rd SECTION OF GORDON COUNTY, GEORGIA



**NOTIFICATION**

6-67, this plat has been prepared  
al jurisdictions for recording as evidenced by  
its hereon. Such approvals or affirmations  
nal bodies by any purchaser or user of this  
re undersigned land surveyor  
chnical standards for

Parcel # 029-049  
N/F Chambliss Property  
5.82 Acres  
Plat Book : 28  
Page : 214  
Zoning : A-1

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 222-04 The Leundlord A-1 to RA-1

Date: 2/24/22

Reviewed by: Matthew Williams

ENVIRONMENTAL HEALTH

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

- \* Our office will require level III soil report for Tract 1 at time of application w/ our office, for issuance of septic permit
- \* Existing System Evaluation will be needed for Tract 2  
A Home Relocation/Construction Permit is needed.

ID.# 9636

# GORDON COUNTY HEALTH DEPARTMENT ENVIRONMENTAL HEALTH SECTION

318 North River Street • Calhoun, GA 30701  
(706) 624-1440 • (706) 624-1441

NEW  
 EXISTING

APPLICATION DATE	9-19-05
PERMIT NUMBER	64E-0417
ZONING CERTIFICATE NUMBER	

## APPLICATION: ON SITE SEWAGE MANAGEMENT SYSTEM

PROPERTY OWNER Larry Rhinehart 706-217-5703	APPLICANT	TELEPHONE
ADDRESS	ADDRESS	
PROPOSED CONSTRUCTION ADDRESS 195 B Daisy St.	SUBDIVISION NAME	<input type="checkbox"/> LOT NUMBER <input checked="" type="checkbox"/> ACRE <input type="checkbox"/> SQ. FT. 5 1/2

DIRECTIONS TO SITE LOCATION  
Hall Memorial Rd. cross Hwy 136 to Hyde Rd. 1st paved road on right (Daisy)  
4th drive on right, bare to left, mobile home site will be on left of brown  
DW

TYPE OF FACILITY:	PLUMBING DESIGN	WATER SOURCE:	SOIL CONDITIONS:
<input type="checkbox"/> House <input checked="" type="checkbox"/> Mobile Home	<input checked="" type="checkbox"/> Ground level <input type="checkbox"/> Split Level <input type="checkbox"/> Basement	<input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Other	Soil Type _____ Perc Rate _____
<input checked="" type="checkbox"/> 3 # of Bedrooms	<input type="checkbox"/> Commercial <input type="checkbox"/> # of Gallons <input type="checkbox"/> # of Persons		
<input checked="" type="checkbox"/> 2 Garbage Disposal			

I hereby apply for a construction permit to install or construct a sewage disposal system and agree that the system will be installed to conform to the requirements of the rules and regulations of the Georgia Department of Human Resources Public Health, Chapter 290-5-26 now assigned to the Gordon County Board of Health. I understand that final inspection is required and will notify the Health Department upon completion of construction and before applying final cover. This permit is not valid unless properly signed below. Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the Georgia Department of Human Resources or County Board of Health shall not be construed as a guarantee that such system will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in effecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by malfunction of such systems. This application expires (12) twelve months from this date.

Authorized Signature (Owner or Applicant) \_\_\_\_\_

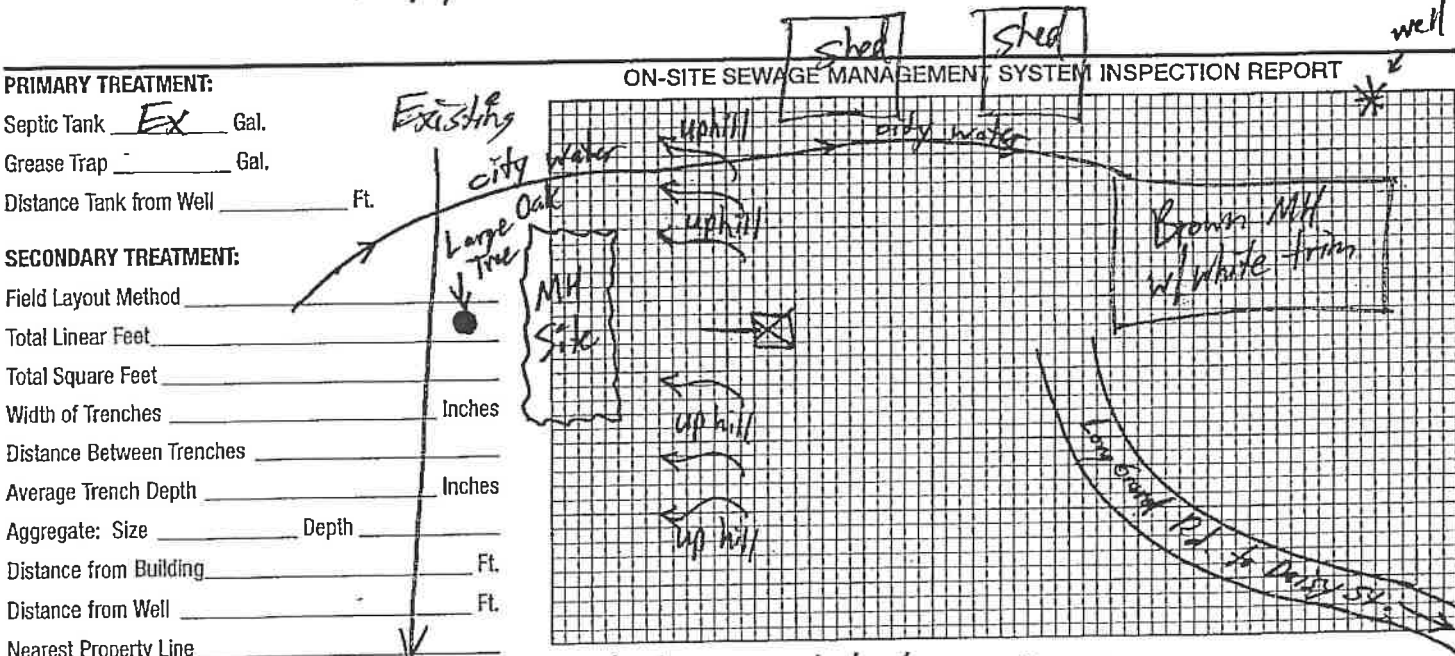
MINIMUM REQUIREMENTS:

Septic Tank Capacity \_\_\_\_\_ Grease Trap Capacity \_\_\_\_\_ Total Linear Feet \_\_\_\_\_ Trench Depth In \_\_\_\_\_ Trench Width In \_\_\_\_\_

SITE APPROVED  Yes  No

Approved by (Health Authority) \_\_\_\_\_ Title \_\_\_\_\_ Date of Issue \_\_\_\_\_

COMMENTS: \* Recommend pumping septic tank prior to hook up with MH



PRIMARY TREATMENT:

Septic Tank EX Gal.  
Grease Trap \_\_\_\_\_ Gal.  
Distance Tank from Well \_\_\_\_\_ Ft.

SECONDARY TREATMENT:

Field Layout Method \_\_\_\_\_  
Total Linear Feet \_\_\_\_\_  
Total Square Feet \_\_\_\_\_  
Width of Trenches \_\_\_\_\_ Inches  
Distance Between Trenches \_\_\_\_\_  
Average Trench Depth \_\_\_\_\_ Inches  
Aggregate: Size \_\_\_\_\_ Depth \_\_\_\_\_  
Distance from Building \_\_\_\_\_ Ft.  
Distance from Well \_\_\_\_\_ Ft.  
Nearest Property Line \_\_\_\_\_

COMMENTS: \* Recommend pumping septic tank prior to hook up with MH  
\* Well behind Brown MH to be filled soon

- SYSTEM -  
 APPROVED  
 DISAPPROVED

Inspector Shane Hendrix EHSI Contractor (Unknown) Date 9/19/05

**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # Z22-04 The Landlord A-1 to RA-1

Date: 02/24/22

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

Ron 

**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # Z22-04 The Landlord A-1 to RA-1

Date: 2-16-22

Reviewed by: Steve

**PUBLIC WORKS DEPARTMENT**

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

*This location will require permits for driveways*

A handwritten signature in cursive script, appearing to read "Steve", is located in the lower right quadrant of the page.

CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z22-04  
APPLICATION NAME Stephen Ware - The Landlord, Inc.  
TYPE OF ZONING: A-1 to R-1  
DATE: 2/24/2022  
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.