

Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 15, 2022
Item Description: **Herbert L. Johnson Jr. & Carolvita R. Johnson** as Agent for **Richdeaan Johnson** requests to **rezone** 4.37 acres from **AR-1** to **AR-2**, to allow for the creation of a home site. Located at 309 Lehigh Circle. **Map# 406A Parcel# 10**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 4.37 acres from **AR-1** to **AR-2**, to allow for the creation of a home site, with conditions.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to subdivide a parcel that is already under 5 acres to create an additional home site and, therefore, must rezone the total 4.37 acreage to AR-2.
- The parcel is located in an existing major subdivision, Lehigh Acres, which is zoned AR-1. Pursuant to *section 6.6 Resubdivision*, the following criteria must be considered before approving resubdivision within a major subdivision:
 - *Whether the size of the proposed lots is compatible with the size of the lots created by the previously approved subdivision,*
 - Several parcels are under 5-acres. 406A-2 was rezoned and subdivided in 2018.
 - *Whether the intended use of the property as previously subdivided has been frustrated by changing economic conditions, by the exercise of eminent domain, or other circumstances.*
 - No change. A second home is already allowed on the AR-1 parcel. The applicant chooses to split the parcel, which requires it to be rezoned.
 - *Whether the proposed resubdivision will adversely affect the values of other property within the previously platted subdivision in which the property is located, and*
 - No change. A second home is already allowed on the AR-1 parcel.
 - *Whether the proposed resubdivision is compatible with the purposes of the Effingham County subdivision regulations.*
 - Yes. A second home is already allowed on the AR-1 parcel.
- At the January 31 Planning Board meeting, Brad Smith made a motion to **approve** the request to rezone 4.37 acres from **AR-1** to **AR-2**, with the following conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. Revised major subdivision final plat must be approved by the Board of Commissioners, and recorded before the rezoning can take effect.
- The motion was seconded by Michael Larson, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 4.37 acres from **AR-1** to **AR-2**, with the following conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. Revised major subdivision final plat must be approved by the Board of Commissioners, and recorded before the rezoning can take effect.
2. **Deny** the request to **rezone** 4.37 acres from **AR-1** to **AR-2**.

Recommended Alternative: 1

Department Review: Development Services

Attachments: 1. Rezoning application
2. Ownership certificate

Other Alternatives: 2

FUNDING: N/A

3. Deed
4. Aerial photograph

ATTACHMENT A - REZONING AMENDMENT APPLICATION

Application Date: 12/3/2021

Applicant/Agent: Herbert L. Johnson & Carolvita R. Johnson

Applicant Email Address: missiontopreach1@gmail.com / Carolvita26@gmail.com

Phone # 215.606.8065 / 267.582.9905

Applicant Mailing Address: 309 Lehigh Cir

City: Clyo State: GA Zip Code: 31303

Property Owner, if different from above: Richardson Johnson
Include Signed & Notarized Authorization of Property Owner

Owner's Email Address (if known): NONE

Phone # 912.754.0855 (C)

Owner's Mailing Address: 309 Lehigh Cir

City: Clyo State: GA Zip Code: 31303

Property Location: 1/4 Lehigh Cir / Acres

Proposed Road Access: off Route 119

Present Zoning of Property: AR-1 Proposed Zoning: AR-2

Tax Map-Parcel # 400A-10 Total Acres: 4.37 Acres to be Rezoned: 4.37

Lot Characteristics: LOT 10-A / LOT 10-B

WATER

Private Well
 Public Water System

SEWER

Private Septic System
 Public Sewer System

If public, name of supplier: _____

Justification for Rezoning Amendment: _____

List the zoning of the other property in the vicinity of the property you wish to rezone:

North South _____ East _____ West _____

1. Describe the current use of the property you wish to rezone.

Residence (Leave IN)

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Yes

3. Describe the use that you propose to make of the land after rezoning.

Sub-Residence of Lot 108 1.25 Acres
(sub-Division) creating a home site

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

Residence (Leave IN) Homes

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

It will be a live in residence il.
when we will be able to build.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No

Applicant Signature:

Herbert Johnson Jr.
Carol Johnson

Date

12/03/21

X Herbert Johnson
X Richardson Johnson

AUTHORIZATION OF PROPERTY OWNER

I, Richdean Johnson, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia

I authorize the person named below to act as applicant in the pursuit of a Rezoning Amendment Approval. I acknowledge and accept that I will be bound by the decision of the Board of Commissioners, including any conditions, if the application is approved.

Name of Applicant/Agent: Herbert L. Johnson Jr. Carolita R. Johnson

Applicant/Agent Address: 309 Lehigh Cir

City: Clyo State: GA Zip Code: 31303

Phone: 215-606-8065 Email: missionstopreach1@gmail.com
267-582-9905 carolita26@gmail.com

Owner's signature Richdean Johnson 12-3-21

Print Name Richdean Johnson 12-3-21

Personally appeared before me Richdean Johnson
~~HERBERT L. JOHNSON JR.~~ ^{KD} (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Sworn and subscribed before me this 3rd day of December, 20 21.

K. Dunning
Notary Public, State of Georgia



ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed

Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

9/4/1986, on file in the office of the Clerk of the Superior Court of

Effingham County, in Deed Book 237 page 27.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature Richardson Johnson 12-3-21

Print Name RICHARDSON JOHNSON 12-3-21

Owner's signature _____

Print Name _____

Owner's signature _____

Print Name _____

Sworn and subscribed before me this 3rd day of December, 20 21.

K. Dunning
Notary Public, State of Georgia



STATE OF GEORGIA)
)
COUNTY OF EFFINGHAM)

WARRANTY DEED

THIS INDENTURE, made this 9th day of December 1988, between **NATHAN H. LAMBRECHT** of the State of Florida, and **EDWARD H. LEE** of the County of Chatham, and State of Georgia, as Parties of the First Part, hereinafter called Grantors, and **RICHDEAEN JOHNSON** as Party 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: Grantors, for and in consideration of the sum of Ten & no/100 (\$10.00) Dollars, and other 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 certain lot, tract or parcel of land situate, lying and being in the 11th G.M. District, Effingham County, Georgia, being known as Lot Ten (10), Lehigh Acres Subdivision, said Lot 10, containing Four and thirty-seven hundredths (4.37) acres, more or less, being more particularly described on a plat by Warren E. Poythress, R.L.S. No. 1953, recorded in the Office of the Clerk of Superior Court of Effingham County, Georgia, in Plat Record Book 18, page 204, said plat being specifically incorporated herein as part of this description.

This being a portion of that property conveyed from Edward H. Wilson to Edward H. Lee as evidenced by that certain Warranty Deed dated September 4, 1986, recorded in Deed Book 237, page 27, aforesaid records.

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.

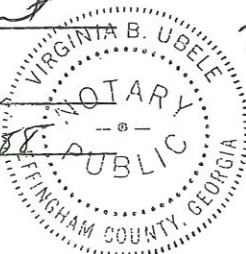
AND THE SAID Grantors will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Susan M. Beant
WITNESS

Virginia B. Uebel
NOTARY PUBLIC
DATE NOTARIZED 12-9-88
Notary Public, Georgia, State at Large
My Commission Expires Dec. 27, 1988



Edward H. Lee (SEAL)
EDWARD H. LEE

Nathan H. Lambrecht (SEAL)
NATHAN H. LAMBRECHT, by and through his duly appointed Attorney-in-Fact,
CLYDE *Coleman*

Real Estate Transfer Tax
Paid \$ 16.90
Date 12-13-88

Elizabeth Z. Hursey
Clerk of Superior Court
ACB



Coastal Health District
Lawton C. Davis, M.D., District Health Director

802 Highway 119 South, Post Office Box 350
Springfield, Georgia 31329
Phone: 912-754-6850 | Fax: 912-754-0078

December 14, 2021

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
Herbert & Carolvita Johnson
LeHigh Circle Clyo, GA 31303
Pin: 406A-10
Total Acres: 4.37 Acres to be rezoned: 1.25

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to AR-2. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. The following signature block should be used on all plats that require Health Department approval

Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.



We Protect Lives.

This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,



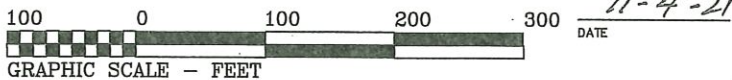
Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department

SURVEYOR'S CERTIFICATION

As required by subsection(d) of O,C,G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificated, signatures, stamps or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

DATE: NOVEMBER 4, 2021
 By: Warren E Poythress
 Registered Land Surveyor No. 1953
 Address: 991 Hunters Road
 Sylvania, Georgia 30467
 Cell Phone - 912-531-1453
 Telephone: 912-857-3288
 Equipment - Sokla GRS2 - GPS
 Topcon 303
 FINAL PLAT CLOSURE = 215315

Warren E Poythress
 WARREN E. POYTHRESS, REGISTERED LAND SURVEYOR, NO. 1953



APPROVAL EFFINGHAM COUNTY:

APPROVED FOR RECORDING BY
 EFFINGHAM COUNTY ZONING
 ADMINISTRATION.

ZONING ADMINISTRATOR DATE
 TERESA CONCANNON

John R. Sikes

TERESA & REGINA RUDDELL

FREDRICK TK. ARNOLD

GRID NORTH

BRAD AND CATHY JOHNSON

GARY M. RYAN

DALE ALLEN JACKSON



0.38 Miles to
 State Highway 119

LEHIGH CIRCLE 60' R|W
 S 87°01'35"E 350.00'

N 46°07'19"E
 83.43'

R=57.18'

LOT 10-A
 3.12 ACRES

N 00°43'35"W
 271.22'

LEHIGH CIRCLE 60' R|W

S 03°01'54"W 355.00'

SUE L. JOHNSON

S 83°34'25"E 389.90'

LOT 10-B
 1.25 ACRES

N 00°43'35"W
 158.78'

N 40°12'15"W
 39.47'

R=31.04'

Conc.Mkr(F) disturbed

Conc.Mkr(F) disturbed

Conc.Mkr(F) disturbed

WALTON B. TOOTLE AND
 LOUISE TOOTLE

SUBDIVISION SURVEY
 FOR

LOT 10-A RICHDEAEN JOHNSON
 AND HERBERT L. JOHNSON, SR.
 LOT 10-B HERBERT L. JOHNSON, JR.
 AND CAROLVITA R. JOHNSON

LOCATION: LOT 10, LEHIGH ACRES
 SUBDIVISION, 11TH G. M. D.,
 EFFINGHAM COUNTY, GEORGIA

Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 2 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

Darrell Oneal
 Signing Authority DARRELL ONEAL
ECM
 Title

309 LEHIGH CIRCLE



EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

DB

APPROVAL

DISAPPROVAL

Of the rezoning request by applicant **Herbert L. & Carolvita R. Johnson** as Agents for **Richdean Johnson – (Map # 406A Parcel # 10)** from AR-1 to AR-2 zoning.

- Yes No ? 1. Is this proposal inconsistent with the county’s master plan?
- Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- Yes No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes No ? 7. Are nearby residents opposed to the proposed zoning change?
- Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ✓ DISAPPROVAL _____

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- Yes ~~No~~? 1. Is this proposal inconsistent with the county’s master plan?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL X

DISAPPROVAL _____

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BKS 1/31/22

EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL _____

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Yes No? 1. Is this proposal inconsistent with the county’s master plan?

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AZ