

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 3, 2023
Item Description: **Kirk Brennaman** as Agent for **William Silva & Tina Owens** requests **rezone** 5.01 acres from **R-1** to **AR-1** to allow for a rural business. Located at 4001 Blue Jay Road **[Map# 351B Parcel#3]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 5.01 acres from **R-1** to **AR-1** to allow for a rural business.

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.
- The request for Rural Business Conditional Use is a requirement of Appendix C – Zoning Ordinance, Article III-General Provisions, **Section 3.15B - Rural Business** and states that rural businesses are: *permitted as a conditional use only in Agricultural Residential (AR-1 and AR-2) districts*
- The applicant is establishing a residence on a 5.01-acre parcel of land which is currently zoned R-1.
- The applicant wishes to establish a rural business at his new residence. The property must therefore be rezoned in order to allow for a rural business.
- The criteria for recommendation on whether a property should be rezoned is contained in The Zoning Procedure Law (of Georgia) and is incorporated in to the Effingham County Code of Ordinance in Article IX, section 9.5 to include the following questions:
 - *Could the proposed zoning allow uses that overload either existing or proposed public facilities such as streets, utilities, or schools?*
 - The proposed rezoning to AR-1 would put this property in to a lower density zoning district.
 - The only additional proposed development is that of a kennel facility.
 - No concerns regarding public facility burden have been raised by applicable agencies
 - *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?*
 - The property has existing frontage access on to Blue Jay Road.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - The property is currently used as residential home in the R-1 zoning district.
 - *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?*
 - The property is adjacent (to the North) to multiple AR-1 parcels.
 - The primary use as a residence will remain unchanged.
 - *Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?*
 - *The zone change should not impact nearby properties.*
 - *Do other conditions affect the property so as to support a decision against the proposal?*
 - Staff has not identified any such conditions.
- At the September 12, 2023 Planning Board meeting, Ryan Thompson made a motion for approval.
- The motion was seconded by Peter Higgins, and carried unanimously.

Alternatives

1. **Approve** the request to **rezone** 5.01 acres from **R-1** to **AR-1**.
2. **Deny** the request for to **rezone** 5.01 acres from **R-1** to **AR-1**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:

1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Plat
4. Aerial photograph
5. Deed