

Staff Report

Subject: Rezoning (Second District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 3, 2023
Item Description: **Karen Brindley** requests to **rezone** 1.5 +/- acres from **AR-1** to **AR-2** to allow for a recombination of adjacent parcels. Located on Blue Jay Road. **Map# 432 Parcels# 44&45**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 1.5 +/- acres from **AR-1** to **AR-2** to allow for a recombination of adjacent parcels. 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 was approved in May, 2023 for a rezoning from AR-1 & R-1 to AR-1 & AR-2 in order to recombine adjacent parcels, resulting in a 2-acre home site for her son.
- CUVA restrictions prevented two fragments from the recombination from being combined with the larger adjacent AR-1 parcel.
- By rezoning these fragments and combining them with the newly created 2-acre home site, the applicant will avoid breaching CUVA and associated penalty.
- 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?*
 - No applicable agencies have submitted comment or concern with regards to additional burden.
 - *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 direct frontage access to Blue Jay Road.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - The unresolved fragment properties are undevelopable and nonconforming.
 - *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 multiple AR and R-1 properties, AR-2 allows for similar land use.
 - The 1.5 +/- acres will remain undeveloped.
 - *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, Alan Zipperer made a motion for approval, with the condition:
 1. A recombination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.

- The motion was seconded by Brad Smith, and carried unanimously.

Alternatives

- 1. Approve** the request to **rezone** 1.5 +/- acres from **AR-1** to **AR-2**, with the following conditions:
1. A recombination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
- 2. Deny** the request to **rezone** 1.5 +/- acres from **AR-1** to **AR-2**.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

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