

## Staff Report

**Subject:** Rezoning (Third District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** October 3, 2023  
**Item Description:** **Earl Douberly** requests to **rezone** 14.62 acres from **AR-1** to **AR-2** to allow for creation of a home site. Located 215 Pearl Davis Road. **[Map# 289 Parcel# 7]**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 14.62 acres from **AR-1** to **AR-2** to allow for 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 proposes to establish a 3-acre home site.
- Because the new home site does not meet the minimum 5 acres required for the AR-1 zoning district, it must be rezoned.
- Because the remaining frontage of the parent parcel does not meet the minimum 150' required for the AR-1 zoning district, the 11.62 remaining acres must also be rezoned to AR-2.
- 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?*
    - Both proposed lots have direct access to Pearl Davis 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 AR-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 multiple AR parcels, AR-2 allows for similar land use.
    - The primary use of existing and proposed lots as residences 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, Peter Higgins made a motion for approval, with the condition:
  1. A subdivision 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** 14.62 acres from **AR-1** to **AR-2**, with the following conditions:

1. Minor subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.

**2. Deny** the request for to **rezone** 14.62 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
2. Ownership certificate/authorization
3. Plat
4. Aerial photograph
5. Deed