

Staff Report

Subject: Rezoning (First District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: October 17, 2023
Item Description: **Eleanor L. Kent** requests to **rezone** 6.7 acres from **AR-1** to **AR-2** to allow for creation of 3 home sites. Located at 1091 4th Street Ext. **[Map# 319 Parcel# 26]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 6.7 acres from **AR-1** to **AR-2** to allow for the creation of 3 home sites, 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 create 3 home sites for her children.
- The newly created lots will be approximately 1 acre each, with the remainder for use by the applicant.
- Because none of the 4 proposed lots will meet the 5-acre minimum required for AR-1, the entire acreage must be rezoned.
- There are multiple non-conforming AR-1 lots of the approximate size proposed by the applicant in the immediate area.
- The applicant has been advised by Staff that all lots must be approved by Environmental Health prior to development, individual well and septic systems require 1 acre (after easement) of buildable land.
- 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 applicant proposes 3 new residences.
 - 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 will have direct or limited easement access to 4th Street Extension.
 - *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-1 parcels, AR-2 allows for similar land use.
 - Many of the adjacent properties are owned by the applicant.
 - 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, Ryan Thompson 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.
- At the October 3, 2023 meeting, concern was presented for the rezoning due to the applicant clear cutting the existing vegetative buffer.
- Commissioner Forest Floyd made a motion to table the item to the October 17, 2023 Board of Commissioners meeting.
- The motion was seconded by Commissioner Roger Burdette, and carried unanimously.

Alternatives

1. Approve the request to **rezone** 6.7 acres from **AR-1** to **AR-2**, with the following conditions:

1. A subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
2. The applicant shall meet with Staff to develop a plan to replant the vegetative buffer.

2. Deny the request for to **rezone** 6.7 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