

Staff Report

Subject: Rezoning (Fourth District)
Author: Chelsie Fernald, Planner II
Department: Development Services
Meeting Date: November 7, 2023
Item Description: **Anna Habersham Wright** requests to rezone 4.96 acres from **AR-1** to **AR-2** to allow for the creation of a new home site. Located at 733 Log Landing Road. **[Map#428 Parcel #1]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 4.96 acres from **AR-1** to **AR-2** to allow for the creation of a new 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 create a new, 3-acre home site, leaving one remaining 1.96-acre lot which is already developed as a home site.
- Due to the fact that neither of the proposed lots meets the 5-acre minimum for the AR-1 zoning district, the entire 4.96 acres must be rezoned.
- The applicant 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. Only one additional residence will be permitted on the proposed new home site.
 - *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?*
 - No. There will only be one additional residence.
 - *Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?*
 - Yes.
 - *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?*
 - No. The proposed subdivision is consistent/complimentary in use, size, and zoning district with neighboring properties.
 - *Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?*
 - No. The zone change should not impact the use of nearby properties.
 - *Do other conditions affect the property so as to support a decision against the proposal?*
 - No. There are no known factors to support against this rezoning.
- At the October 10, 2023 Planning Board meeting, Mr. Brad Smith made a motion for approval with staff recommendations. Mr. Ryan Thompson second and the motion carried unanimously.

Alternatives

1. Approve the request to **rezone** 4.96 acres from **AR-1** to **AR-2**, with the following conditions:

1. A 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** 4.96 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