

Staff Report

Subject: Rezoning (Fourth District)

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Department: Development Services

Meeting Date: November 7, 2023

Item Description: **Donna Davis** requests to rezone 1.72 acres from **AR-1** to **AR-2** to allow for a recombination of parcels. Located at 119 Garden Lane. **[Map 388B Parcel# 18 & 19]**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to rezone 1.72 acres from **AR-1** to **AR-2** to allow for a recombination of 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 owns two adjacent, non-conforming AR-1 parcels. They were recently denied a building permit for an accessory structure on the vacant parcel.
- By combing the lots, the new parcel will be in conformity with current AR-2 standards, and the proposed accessory structure will be allowable as it will be associated with a primary residence.
- 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. There is no change of use.
 - *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 is no change of use.
 - *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. AR-2 is appropriate to the non-conforming AR-1, exclusively residential use of surrounding 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. Peter Higgins second, the motion carried unanimously.

Alternatives

1. Approve the request to rezone 1.72 acres from **AR-1** to **AR-2**, with the following condition:

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 1.72 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