

ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 03/09/2022

Applicant/Agent: 3 Byrds Development, LLC

Applicant Email Address: m.byrd@mattbyrdhomes.com

Phone # 912-704-6400

Applicant Mailing Address: 122 Canal Street, Suite 108

City: Pooler State: GA Zip Code: 31322

Property Owner, if different from above: _____
Include Signed & Notarized Authorization of Property Owner

Owner's Email Address (if known): _____

Phone # _____

Owner's Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Property Location: Noel C. Conaway Road (Hwy 30)

Proposed Road Access: Noel C. Conaway Road (Hwy 30)

Present Zoning of Property: AR-1 Proposed Zoning: R-3

Tax Map-Parcel # 03520018 Total Acres: 39.46 Acres to be Rezoned: 39.46

Lot Characteristics: Rectangle in shape

WATER

SEWER

Private Well

Private Septic System

Public Water System

Public Sewer System

If public, name of supplier: Effingham County

Justification for Rezoning Amendment: To develop a multi-family community.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North AR-1 South R6 East AR-2 West AR-1

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List the zoning of the other property in the vicinity of the property you wish to rezone:

North AR-1 South R6 East AR-2 West AR-1

1. Describe the current use of the property you wish to rezone.

Currently zoned as AR-1.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

No.

3. Describe the use that you propose to make of the land after rezoning.

We would like to rezone the property to R-3 and develop a multi-family community with multiple common areas, playgrounds, picnic areas, trails, and a clubhouse.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

There are multiple R-6 communities alongside Hwy 30, and a R-3 zoned property next to the High School.

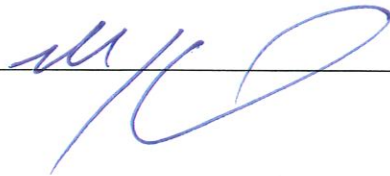
5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

Similar in use to teh two mini R-6 communities across the street on Hwy 30.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No.

Applicant Signature:



Date

3/9/22

ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed

Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

02/15/1990, on file in the office of the Clerk of the Superior Court of

Effingham County, in Deed Book 278 page 303.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature _____

Print Name _____

Owner's signature _____

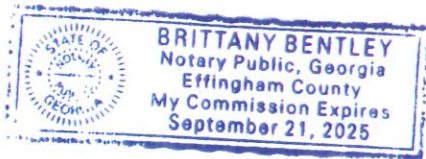
Print Name _____

Owner's signature  _____

Print Name 3 Byrd's Development, LLC _____

Sworn and subscribed before me this 9th day of March, 20 22.


Notary Public, State of Georgia



After recording return to:
McManamy Jackson Hollis, LLC
415 Eisenhower Drive, No. 1
Savannah, Georgia 31406
File No. 2022-2284MJHS

STATE OF GEORGIA }

COUNTY OF Effingham

EXECUTOR'S DEED

THIS INDENTURE, made and entered into this 15th day of March, 2022, by and between **STEPHEN CRAIG NORTH, AS EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF ROBERT M. NORTH, JR., deceased**, as Party of the First Part and **3 BYRDS DEVELOPMENT, LLC, a Georgia limited liability company**, as Party of the Second Part.

-WITNESSETH-

WHEREAS, ROBERT M. NORTH, JR. died testate in Effingham County, Georgia on January 5, 2021 and upon the petition of Stephen Craig North, Letters Testamentary under the Last Will and Testament of the said Robert M. North, Jr., deceased, were issued to the said STEPHEN CRAIG NORTH by order of the Probate Court of Effingham County, Georgia dated March 12, 2021.

WHEREAS, all of the debts and taxes due upon said Estate have been satisfied.

WHEREAS, the said Executor continues to actively manage the affairs of the Estate and no Assent to Devise has been granted.

NOW THEREFORE, said Party of the First, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, receipt whereof is hereby acknowledged, has granted, bargained, sold and convey unto the said Party of the Second Part, its successors and assigns, all of the following described tract or parcel of land, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Party of the Second Part, its successors and assigns, forever in FEE SIMPLE.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her hand and seal on the day and year first above written as the date hereof.

Signed, sealed and delivered
in the presence of:

By: Stephen Craig North (SEAL)
STEPHEN CRAIG NORTH,
AS EXECUTOR UNDER THE LAST WILL AND
TESTAMENT OF ROBERT M. NORTH, JR.,
deceased.

Mary L. Braswell
WITNESS

Paula Foil
NOTARY PUBLIC
STATE OF: Georgia
COUNTY OF: Barrow



EXHIBIT "A"

Legal Description of Property

All those lots, tracts or parcels of land, lying, situate and being in the Effingham County, Georgia, known as Parcel #1 and Parcel #2 upon a plat thereof entitled "Plat of Division of J.R. Conaway Estate" prepared by Paul D. Wilder, Georgia Registered Land Surveyor, recorded in Plat Book 16, Page 197, in the office of the Clerk of Superior Court of Effingham County, Georgia. Said Parcel #1 was conveyed to Robert M. North, Jr. by Warranty Deed dated February 15, 1990, recorded in Deed Book 278, Page 303, in the aforesaid Clerk's Office; and said Parcel #2 was conveyed to Robert M. North, Jr. by Warranty Deed dated March 31, 1992, recorded in Deed Book 310, Page 561, in the aforesaid Clerk's Office. Said plat and deeds are incorporated herein by reference.

0 Noel Conaway Road, Guyton, Georgia 31312
Tax PIN 03520018

QUIT CLAIM DEED

This indenture, made this 14th day of March, 2022 between MICHAEL MEYERS NORTH and ELIZABETH BROXTON, collectively party of the first part, and 3 BYRDS DEVELOPMENT, LLC, a Georgia limited liability company, as party of the second part,

WITNESSETH

Party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, convey, release and forever quitclaim unto the second party, its heirs, successors and assigns, all my undivided interest in and to the following described property, to wit:

All those lots, tracts or parcels of land, lying, situate and being in the Effingham County, Georgia, known as Parcel #1 and Parcel #2 upon a plat thereof entitled "Plat of Division of J.R. Conaway Estate" prepared by Paul D. Wilder, Georgia Registered Land Surveyor, recorded in Plat Book 16, Page 197, in the office of the Clerk of Superior Court of Effingham County, Georgia. Said Parcel #1 was conveyed to Robert M. North, Jr. by Warranty Deed dated February 15, 1990, recorded in Deed Book 278, Page 303, in the aforesaid Clerk's Office; and said Parcel #2 was conveyed to Robert M. North, Jr. by Warranty Deed dated March 31, 1992, recorded in Deed Book 310, Page 561, in the aforesaid Clerk's Office. Said plat and deeds are incorporated herein by reference.

0 Noel Conaway Road, Guyton, Georgia 31312

Tax PIN 03520018

SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements and appurtenances thereunto belonging or in any wise appertaining unto the second party, its heirs, successors and assigns, so that neither first party nor its heirs, successors and assigns, nor any person or persons claiming under it shall have, claim or demand and right to the above-described property, or its appurtenances.

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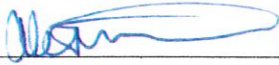
SIGNATURE PAGE TO FOLLOW


SIGNATURE PAGE TO QUITCLAIM DEED

IN WITNESS WHEREOF, the first party has caused these presents to be executed by its authorized signatory hereto on the day and year first above written.

Signed, sealed and delivered

in the presence of:



Witness


Notary Public

By:  (Seal)
MICHAEL MEYERS NORTH

Notary Seal:



QUIT CLAIM DEED

This indenture, made this 11 day of March, 2022 between MICHAEL MEYERS NORTH and ELIZABETH BROXTON, collectively party of the first part, and 3 BYRDS DEVELOPMENT, LLC, a Georgia limited liability company, as party of the second part,

WITNESSETH

Party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, convey, release and forever quitclaim unto the second party, its heirs, successors and assigns, all my undivided interest in and to the following described property, to wit:

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REMAINDER OF PAGE INTENTIONALLY BLANK

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE TO QUITCLAIM DEED

IN WITNESS WHEREOF, the first party has caused these presents to be executed by its authorized signatory hereto on the day and year first above written.

Signed, sealed and delivered

in the presence of:

Andy Paine
Witness

Marie Bromsch
Notary Public

Notary Seal:

By: *Elizabeth Broxton* (Seal)
ELIZABETH BROXTON

My commission expires 02/03/2015

Homestead Application

Please wait to apply for homestead until your name appears under the "Owner" section below.

Application Number: 03520018

Assessment Notice

- [2021 Assessment Notice \(PDF\)](#)
- [2020 Assessment Notice \(PDF\)](#)

Summary

Parcel Number 03520018
 Location Address NOEL C CONAWAY RD
 Legal Description 39.46 AC
 (Note: Not to be used on legal documents)
 Class A5-Agricultural
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning AR-1
 Tax District 01-County (District 01)
 Millage Rate 28.747
 Acres 39.46
 Neighborhood 0351B: LAND: 00105 / BLDG: 00001 (000780)
 Homestead Exemption No (S0)
 Landlot/District N/A

[View Map](#)



Owner

[NORTH ROBERT M JR](#)
 215 NORTH LN
 RINCON, GA 31326

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Woodland	Rural	3	10.93
RUR	Woodland	Rural	7	27.72
RUR	Easements	Rural	7	0.81

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
FIRE FEE VACANT LAND	2019	0x0 / 0	3946	\$0

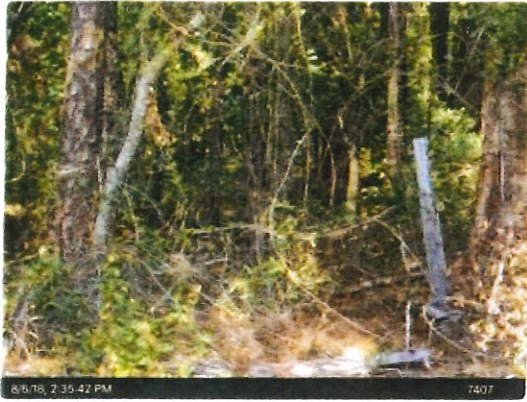
Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
2/15/1990	278 303	16 197	\$0	Unqualified - Vacant		NORTH ROBERT M JR

Valuation

	2021	2020	2019	2018
Previous Value	\$274,084	\$133,546	\$143,626	\$143,626
Land Value	\$274,084	\$274,084	\$133,546	\$143,626
+ Improvement Value	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0
= Current Value	\$274,084	\$274,084	\$133,546	\$143,626

Photos



No data available for the following modules: CUVa Renewal Letter, Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits, Sketches.

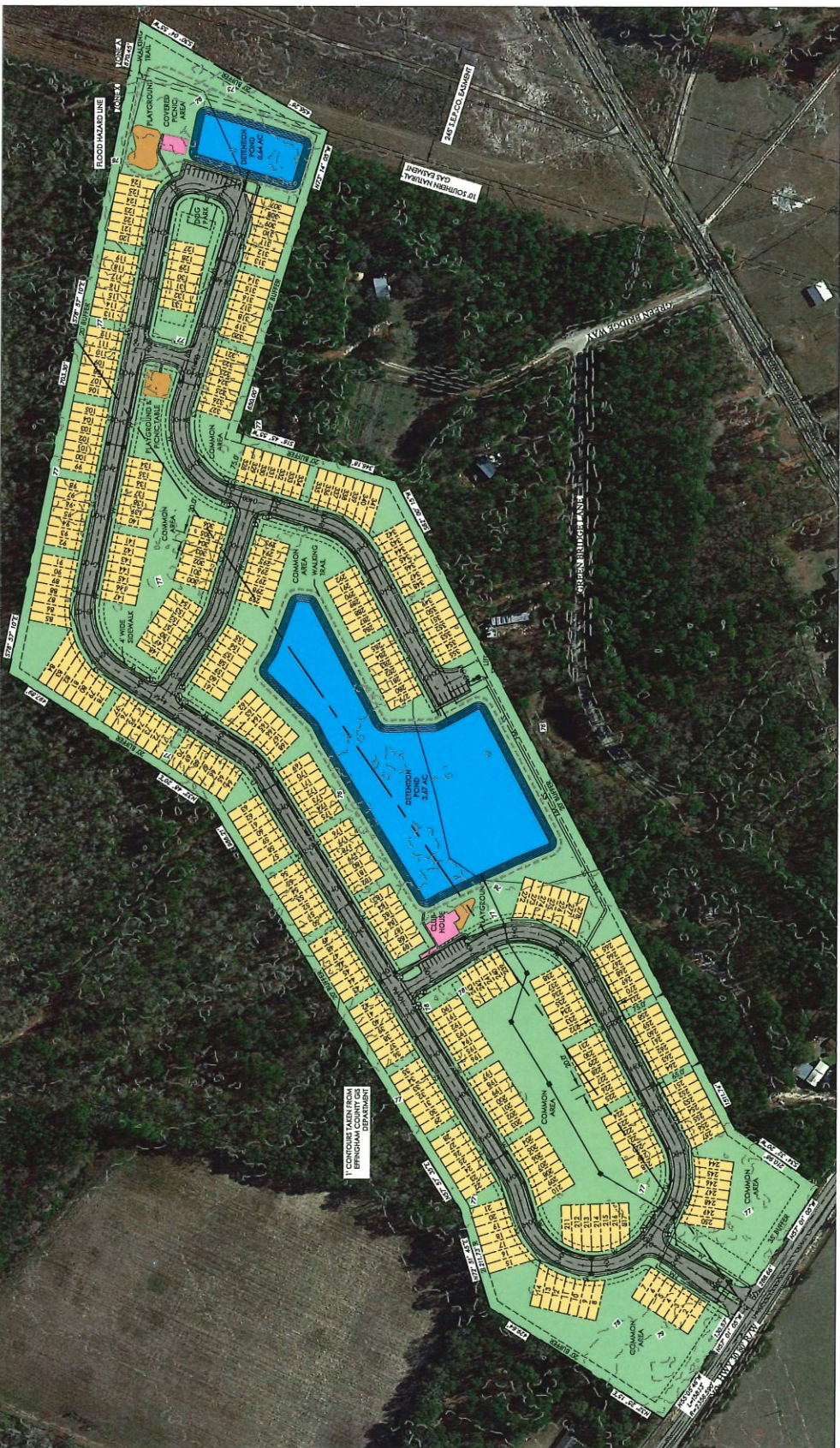
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[User Privacy Policy](#)
[GDPR Privacy Notice](#)




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Page 1 of 1




SITE DATA:

1. 140,000 SQUARE FEET
2. PROPOSED DENSITY: 3.3
3. SETBACK FROM PUBLIC STREET = 35'
4. FRONT YARD SETBACK = 10'
5. SIDE YARD SETBACK = 15'
6. REAR YARD SETBACK = 15'
7. MINIMUM PERCENT OF COVERAGE = 40%
8. TOTAL AREA OF SITE = 32,000 S.F.
9. COMMON OPEN SPACE (1,200 AC)
10. 10% OF NET USABLE ACRES X 3,946 NET USABLE ACRES = 394.6 ACRES
11. OFF STREET PARKING SPACES REQUIRED = 120
12. WATER TO BE PROVIDED BY EFRINGHAM COUNTY.
13. SEWER TO BE PROVIDED BY EFRINGHAM COUNTY.



Know what's below.
Call before you dig.

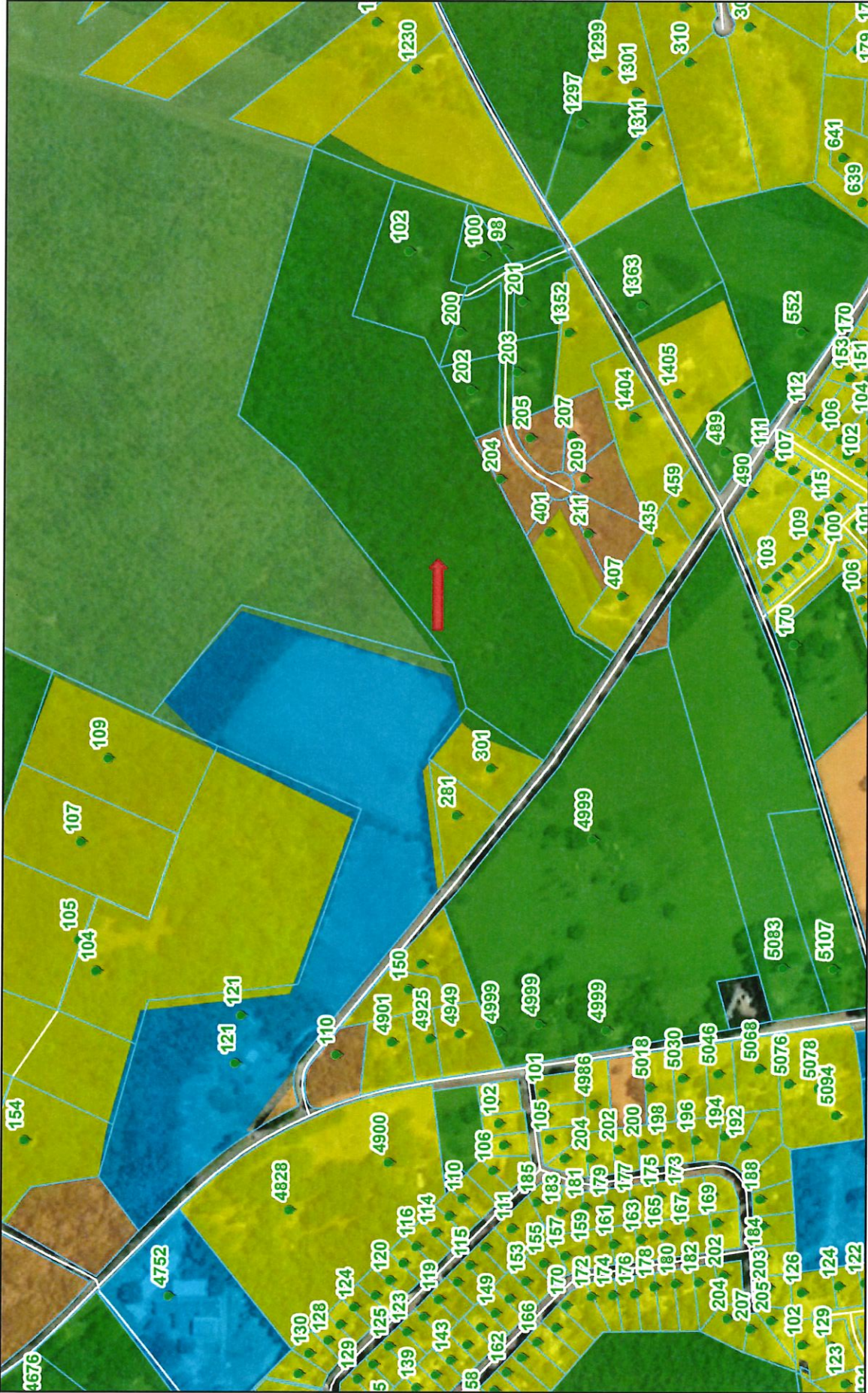


Geotechnical Services
 CONSULTING ENGINEERS
 10000 WOODBRIDGE DRIVE
 SUITE 100
 FALLS CHURCH, VA 22044
 (703) 441-8800

352-18



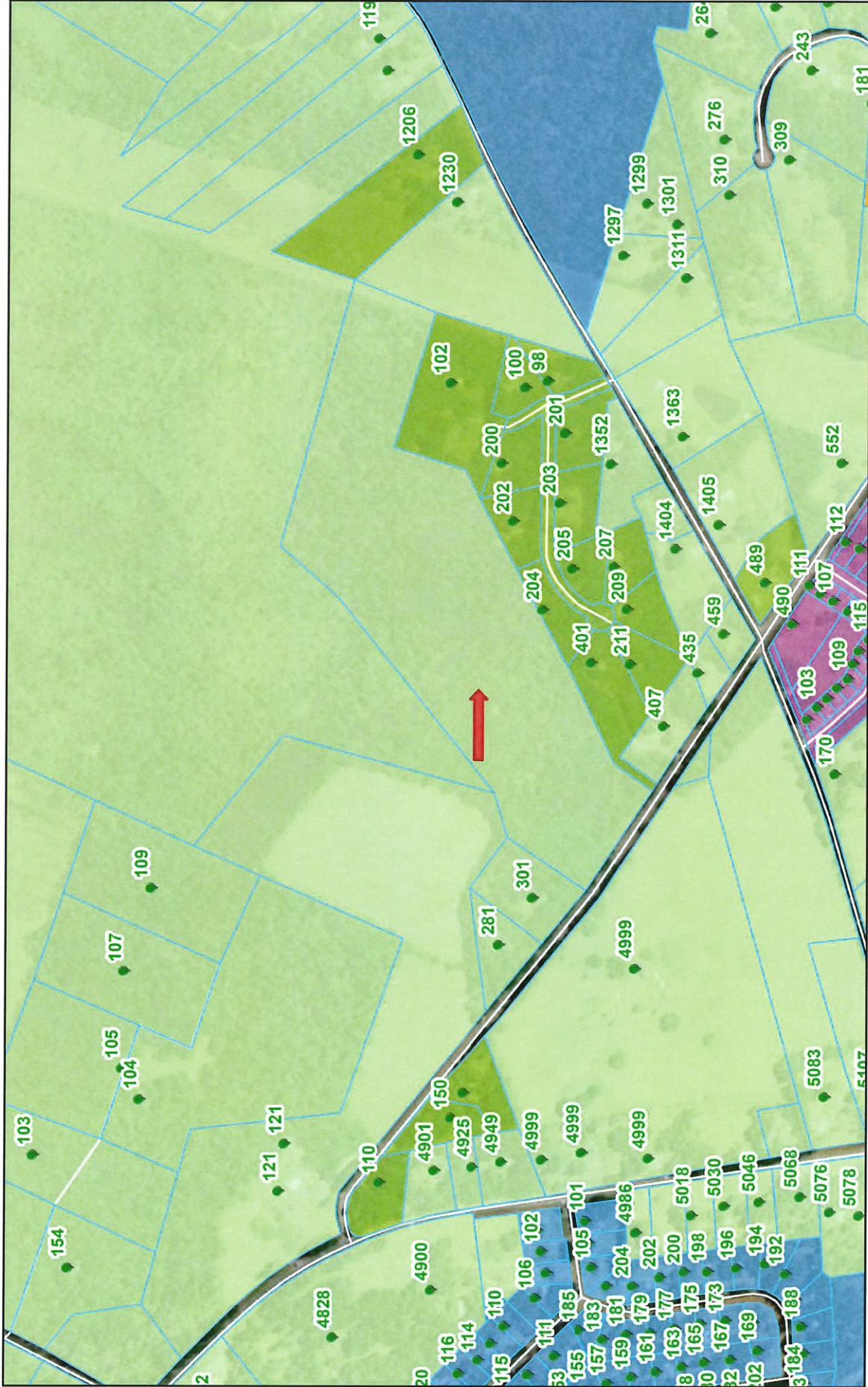
352-18



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

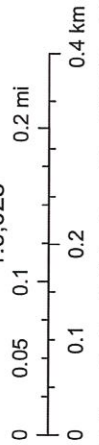
Maxar | Esri, Inc., City of Naperville, Illinois | Effingham County BOC | <https://www.fws.gov/wetlands/data/data-download.html> | ArcGIS Web AppBuilder

352-18



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- Address Points
- Parcels2020
- Roads
- Effingham County Zoning
- AR-1
- AR-2
- R-1
- R-4
- PD

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Maxar | Esri, Inc., City of Naperville, Illinois | Effingham County BOC | <https://www.fws.gov/wetlands/data/data-download.html> | ArcGIS Web AppBuilder

RT

9.5

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL

Of the rezoning request by applicant **3 Byrds Development, LLC – (Map # 352 Parcel # 18)** from AR-1 to R-3 zoning.

*Potentially
but could
be rezoned*

- Yes No? 1. Is this proposal inconsistent with the county's master plan?
- Yes No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes No? 3. 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?
- Yes No? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes No? 5. 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?
- Yes No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes No? 7. Are nearby residents opposed to the proposed zoning change?
- Yes No? 8. Do other conditions affect the property so as to support a decision against the proposal?

DB

9.5

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____

DISAPPROVAL _____

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- Yes No ? 1. Is this proposal inconsistent with the county’s master plan?
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EFFINGHAM COUNTY REZONING CHECKLIST

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DISAPPROVAL ~~_____~~

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- No? 7. Are nearby residents opposed to the proposed zoning change?
- No? 8. Do other conditions affect the property so as to support a decision against the proposal?

BKS

5/16/22

Teresa Concannon

From: Brittany Bentley <b.bentley@mattbyrdhomes.com>
Sent: Tuesday, May 31, 2022 9:57 AM
To: Teresa Concannon; Katie Dunnigan
Cc: Stephanie Steele; Matt Byrd
Subject: Re: EXTERNAL:North Tract Applications

Teresa,

We would like to postpone the applications until after the moratorium is over.

Thank you!

Brittany

From: Teresa Concannon <TConcannon@EffinghamCounty.org>
Sent: Tuesday, May 31, 2022 9:50:01 AM
To: Brittany Bentley <b.bentley@mattbyrdhomes.com>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <m.byrd@mattbyrdhomes.com>
Subject: RE: EXTERNAL:North Tract Applications

Brittany,

Are you asking us to postpone or withdraw the applications?

Thanks,

Teresa

Teresa Concannon, AICP
Planning & Zoning Manager
Effingham County Board of Commissioners
804 S Laurel Street
Springfield, GA 31329
tconcannon@effinghamcounty.org

From: Brittany Bentley [mailto:b.bentley@mattbyrdhomes.com]
Sent: Tuesday, May 31, 2022 9:45 AM
To: Teresa Concannon <TConcannon@EffinghamCounty.org>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <m.byrd@mattbyrdhomes.com>
Subject: EXTERNAL:North Tract Applications

Good morning Teresa,

Please remove North Tract's re-zoning application from June's meeting agenda with the Board of Commissioners.

In addition, please remove North Tract's sketch plan application from June's agenda and July's agenda.

Teresa Concannon

From: Matt Byrd <mb@mattbyrdhomes.com>
Sent: Friday, August 12, 2022 12:38 PM
To: Teresa Concannon; Brittany Bentley; Katie Dunnigan
Cc: Stephanie Steele; Harold Yellin
Subject: Re: EXTERNAL:North Tract Applications

We will table it again. We haven't had ample time to consult with our engineers and counsel.

You have to give us ample time.

Please table the application and we will be in touch later next week. Thanks

Get [Outlook for iOS](#)

From: Teresa Concannon <TConcannon@EffinghamCounty.org>
Sent: Friday, August 12, 2022 12:29 PM
To: Brittany Bentley <b.bentley@mattbyrdhomes.com>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <mb@mattbyrdhomes.com>
Subject: RE: EXTERNAL:North Tract Applications

I checked with the county clerk – she provided the ordinance information below. It will be up to the BOC to decide if they want to postpone again due to absence. They could decide to take action and deny the application. Can you share the reason for the 2nd postponement?

You also have the option to withdraw the application and resubmit at a later date.

Section D. Tabling

1. **Zoning Public Hearings:**

- a. *At Applicants Request* - A zoning Public hearing item shall be tabled at the request of the applicant one time and no more than one time. Such request must be in writing or in person and received at least 24 hours prior to the public meeting. A reasonable effort should be made by the applicant to notify neighboring property owners in this situation.
- b. *For Applicant Absence* - A zoning Public Hearing item may be tabled by a majority vote of the Board no more than one time due to the absence of the applicant. If an applicant is absent from a public meeting and has previously requested the item to be tabled or has previously been absent from a public meeting on their item, then the item shall be heard and action taken.
- c. *For Additional Information* - A zoning Public Hearing item may be tabled by a majority vote of the Board only one time to receive more information from the applicant or staff.

Teresa Concannon, AICP
Planning & Zoning Manager
Effingham County Board of Commissioners
804 S Laurel Street
Springfield, GA 31329

tconcannon@effinghamcounty.org

From: Brittany Bentley [mailto:b.bentley@mattbyrdhomes.com]
Sent: Friday, August 12, 2022 11:31 AM
To: Teresa Concannon <TConcannon@EffinghamCounty.org>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <mb@mattbyrdhomes.com>
Subject: RE: EXTERNAL:North Tract Applications

Hey Teresa,

We would like to table our application for this meeting.

Thank you,

Brittany Bentley

Estimator / Purchaser | Matt Byrd Homes, Inc.

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PHONE 912.328.6500 CELL 912.667.7039 WEB MattByrdHomes.com

From: Teresa Concannon <TConcannon@EffinghamCounty.org>
Sent: Thursday, August 11, 2022 4:04 PM
To: Brittany Bentley <b.bentley@mattbyrdhomes.com>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <mb@mattbyrdhomes.com>
Subject: RE: EXTERNAL:North Tract Applications

Brittany,

We postponed the R-3 rezoning application until September 6. I will be submitting items for the September 6 Board of Commissioners meeting next week. Do you intend to move forward with the public hearing on September 6?

Let me know,

Teresa

Teresa Concannon, AICP
Planning & Zoning Manager
Effingham County Board of Commissioners
804 S Laurel Street
Springfield, GA 31329
tconcannon@effinghamcounty.org

From: Teresa Concannon
Sent: Thursday, June 2, 2022 11:43 AM
To: Brittany Bentley <b.bentley@mattbyrdhomes.com>; Katie Dunnigan <KDunnigan@EffinghamCounty.org>
Cc: Stephanie Steele <s.steele@mattbyrdhomes.com>; Matt Byrd <m.byrd@mattbyrdhomes.com>
Subject: RE: EXTERNAL:North Tract Applications

I notified the county clerk that you requested to table the rezoning application to September 6. The application has been advertised and will be on the agenda, but will be tabled at the June 7 meeting.