

Staff Report

Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 5, 2022
Item Description: **Alan Fred Hazard Jr.** requests to **rezone** 3.5 acres from **AR-1** to **AR-2** allow for the creation of two lots under 5 acres. Located at 3535 Noel C Conaway Road. **Map# 436 Parcel# 44**

Summary Recommendation

Staff has reviewed the application, and recommends **approval** of request to **rezone** 3.5 acres from **AR-1** to **AR-2** allow for the creation of two lots under 5 acres, 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 subdivide a parcel under 5 acres to create an additional home site and, therefore, must rezone it to AR-2.
- The parcel is located in Scuffletown Estates, a major subdivision, which is zoned AR-1. Pursuant to *section 6.6 Resubdivision*, the following criteria must be considered before approving resubdivision within a major subdivision:
 - *Whether the size of the proposed lots is compatible with the size of the lots created by the previously approved subdivision,*
 - Lot 1 has been subdivided. No other lots in Scuffletown Estates are less than 2 acres.
 - *Whether the intended use of the property as previously subdivided has been frustrated by changing economic conditions, by the exercise of eminent domain, or other circumstances.*
 - No change. A second home is already allowed on the AR-1 parcel. The applicant chooses to split the parcel, which requires it to be rezoned.
 - *Whether the proposed resubdivision will adversely affect the values of other property within the previously platted subdivision in which the property is located, and*
 - No change. A second home is already allowed on the AR-1 parcel.
 - *Whether the proposed resubdivision is compatible with the purposes of the Effingham County subdivision regulations.*
 - Yes. A second home is already allowed on the AR-1 parcel.
- At the March 21 Planning Board meeting, Alan Zipperer made a motion to approve the request to **rezone** 3.5 acres from **AR-1** to **AR-2**, with the following conditions:
 1. The lots must meet the requirements of the AR-2 zoning district.
 2. Revised major subdivision final plat must be approved by Environmental Health and the Board of Commissioners, 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** 3.5 acres from **AR-1** to **AR-2** allow for the creation of two lots under 5 acres, with the following conditions:

1. The lots must meet the requirements of the AR-2 zoning district.
2. Revised major subdivision final plat must be approved by Environmental Health and the Board of Commissioners, and be recorded before the rezoning can take effect.

2. Deny the request to **rezone** 3.5 acres from **AR-1** to **AR-2** allow for the creation of two lots under 5 acres.

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	