

Staff Report

Subject: Variance (Third District)
Author: Katie Dunnigan, Zoning Manager
Department: Development Services
Meeting Date: February 7, 2023
Item Description: **Robert Dollar & Joanne Mendoza Dollar** requests to **rezone** 5 acres from **AR-1** to **AR-2** to allow for the creation of a home site. Located at 107 Harmony Drive. **Map# 316A Parcel# 7**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request to **rezone** 5 acres from **AR-1** to **AR-2** to allow for the creation of a 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 subdivide the parcel, creating an additional home site, since neither proposed lot meets the 5-acre threshold for the AR-1 zoning district, the entire 5 acres must be rezoned
- The 5-acre property is a lot within Harmony Acres, a major subdivision comprised of conforming AR-1 lots. Declarative covenants (filed October 1992) available through the Clerks Authority site do not prohibit future subdivision of lots. 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,*
 - No other parcel in the subdivision is under 5-acres. No other parcel has been rezoned or subdivided.
 - *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 for an immediate family member is allowed on the AR-1 parcel, as a conditional use with zoning approval. 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*
 - Potentially. This will create two lots unique and less in size to the rest of the subdivision.
 - *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, with zoning approval.
- At the January 18, 2023 Planning Board meeting, Mr. Alan Zipperer made a motion for approval, with conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. Minor subdivision plat must be approved by Development Services and Environmental Health, and be recorded, before the rezoning can take effect.
 3. No future subdivision shall be permitted of either proposed lot.
- The motion was seconded by Mr. Brad Smith and carried 4-1, Mr. Ryan Thompson opposing.

Alternatives

1. **Approve** the request to **rezone** 5 acres from **AR-1** to **AR-2**, with the following conditions:
 1. The lots shall meet the requirements of the AR-2 zoning district.
 2. Minor subdivision plat must be approved by Development Services and Environmental Health, and be recorded, before the rezoning can take effect.
 3. No future subdivision shall be permitted of either proposed lot.

2. Deny the request to **rezone** 5 acres from **AR-1** to **AR-2**.

Recommended Alternative: 2

Other Alternatives: 1

Department Review: Development Services

FUNDING: N/A

Attachments:

- | | |
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| 1. Rezoning application and checklist | 4. Deed |
| 2. Ownership certificate/authorization | 5. Aerial photograph |
| 3. Plat | |