

## Staff Report

**Subject:** Rezoning (Third District)  
**Author:** Katie Dunnigan, Zoning Manager  
**Department:** Development Services  
**Meeting Date:** April 4, 2023  
**Item Description:** Dale A. Jackson as Agent for Earl Wayne Tomlinson requests to **rezone** 5.8 acres from **AR-1** to **AR-2** to allow for a homesite. Located at 416 Lehigh Circle. **Map# 406A Parcel# 7**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request to **rezone** 5.8 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 a 5.8-acre parcel to create an additional home site. Since neither proposed lot will meet the 5-acre minimum required for the AR-1 zoning district, the total acreage must be rezoned to AR-2.
- The parcel is located in an existing major subdivision, Lehigh Acres, 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,*
  - Several parcels are under 5-acres. 406A-2 was rezoned and subdivided 3/20/2018. 406A-10 was rezoned and subdivided on 2/15/2022.
  - *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.
  - *Whether the proposed resubdivision will adversely affect the values of other property within the previously platted subdivision in which the property is located.*
  - No known change.
  - *Whether the proposed resubdivision is compatible with the purposes of the Effingham County subdivision regulations.*
  - Yes. The proposed subdivision is compatible with size and use of other lots within the subdivision.
- At the March 14, 2023 Planning Board meeting, Mr. Ryan Thompson made a motion for approval, with conditions:
  1. The lots shall meet the requirements of the AR-2 zoning district.
  2. All wetland impacts must be approved and permitted by USACE.
  3. Minor subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
- The motion was seconded by Mr. Ryan Thompson, and carried unanimously.

### Alternatives

1. **Approve** the request to **rezone** 5.8 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. All wetland impacts must be approved and permitted by USACE.

3. Minor subdivision plat must be approved by Development Services, and be recorded, before the rezoning can take effect.

**2. Deny** the request to **rezone** 5.8 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