

STAFF REPORT
RZ137- Tax Parcel 050 145E
November 18, 2024

REQUEST

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| APPLICANT: | Lawrence Miller |
| OWNER: | Lawrence Miller |
| REQUEST: | Rezone A2 to R1 |
| COUNTY COMMISSION DISTRICT: | 5 |
| SIZE OF THE PROPERTY: | 11.05 acres |
| PRESENT USE/ZONING: | A2 General Agriculture |
| PROPOSED USE OF PROPERTY | R1 Single Family Residential |
| TAX MAP NUMBER: | 050 145E |
| ADJACENT ZONING: | A2, AR |

PURPOSE

The purpose of this request is to rezone tax parcel 050 145E from A2 (General Agriculture) to R1 (Single Family Residential) to subdivide.

COMPATIBILITY WITH FUTURE LAND USE PLAN

The currently adopted Future Land Use Map designation is “Rural Living.”

Rural Living

This character area is a balanced mix of forestry, farms, and homes. The area is within reasonable commuting distance to major regional employers. It represents an area under pressure to develop, but is also an area where services cannot be most efficiently provided. Major residential development that characterizes suburban sprawl should be prohibited. Tracts commonly range in size from 10 to 20 acres. Grazing, row crops and other general agricultural uses are appropriate, but this character area should not experience new intensive agriculture. Adequate buffers should mitigate land use conflict between existing intensive agriculture and existing residential areas. The Smithonia Historic District is identified on the National Register of Historic Places and all development within and adjacent to the district should be compatible with the historic value.

Compatible Zoning Designations: A2, AR, B1, OS

The proposed zoning of R1 (Single Family Residential) **is NOT compatible** with the character area “Rural Living”.

REVIEW OF THE PLAN

The applicant has requested of Tax Parcel 050 145E be rezoned to R1 (Single Family Residential) in order to subdivide an existing home on 1.5 acres. The remaining acreage of Tax Parcel 050 145E will total 9.55 acres.

Adjacent Properties are zoned A2 (General Agriculture) and AR (Agriculture Residential). This tax parcel is 11.05 acres. This property is located on Welcome Avenue. Tract 1 will be 9.55 acres, and Tract 2 will be 1.50 acres. Tract 1 could be subdivided again under R1 zoning.

CURRENT STATUS

This request will be heard by the Oglethorpe County Zoning Board at their November 18, 2024 meeting.

Should the Zoning Board take action on the request at their November meeting, the request will go before the Oglethorpe County Board of Commissioners on December 2, 2024.

PUBLIC NOTICE

In accordance with Section 1405 of the Oglethorpe County Zoning Ordinance, public notice of this zoning request was posted on or near the subject property(s) by November 11, 2024.

EXHIBITS

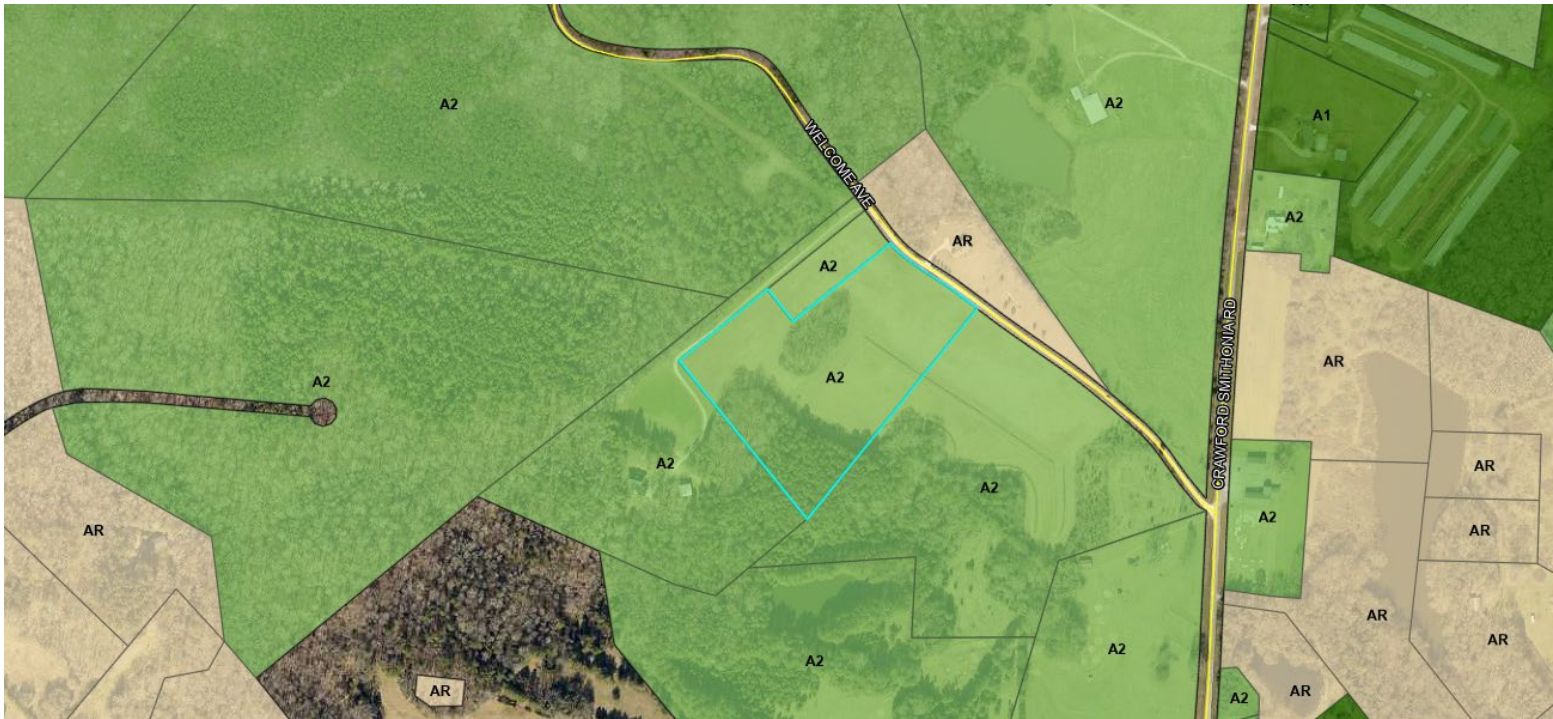


Figure 1 Adjacent Property's Zoning

Section 1403 Evaluation Standards

The Zoning Board and the Board of Commissioners shall consider factors relevant in balancing the interest in promoting the public health, safety, morals, or general welfare against the right of the individual to the unrestricted use of property, and shall specifically consider the following criteria:

- Whether the zoning proposal is in conformity with the policy and intent of the Oglethorpe County Comprehensive Plan, the Transportation Plan, or any other duly adopted plans for the development of the County.
- Whether there is reasonable evidence, based upon existing and anticipated land use, which would indicate a mistake was made in the original zoning of the property.
- Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
- Whether the change will create an isolated district unrelated to the surrounding districts, such as “spot zoning?”
- Whether the need for rezoning could be handled instead by a variance request to the Zoning Board of Adjustments.
- Whether the subject property is suitable for the existing zoned purpose.
- Whether the subject property is suitable for the proposed zoning or use (location, size, lot configuration, topography, drainage, availability of public water supply and sewage system, or space and soil type to accommodate a safe water supply and an appropriately sized septic system, etc.).
- Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
- The impact and suitability of the most intense possible future use that would be permitted on the subject property under the proposed change in zoning classification.
- Whether the change requested is out of scale with the immediate neighborhood or the needs of the county as a whole.
- Whether the zoning proposal will result in a use that could cause an excessive or burdensome use of or other adverse impact on existing streets, traffic patterns and congestion, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services.
- Whether the zoning proposal will result in a use that will have an adverse impact on population density in the area.
- Whether there could be a significant threat for ecological, environmental, or pollution impact, including but not limited to air quality; ground and surface water supply and quality; significant destruction of habitat for wildlife, deterioration or destruction of significant or sensitive natural and environmental resources, habitat for endangered or threatened plants or animals, waste generation and disposal; waste water quality, sanitary sewage disposal capacity; toxic or hazardous materials; odors, noise, vibration, and other nuisances; diseases of public health importance, and any related concerns, resulting from the proposed use or from major modifications to the land if the request is granted.
- Whether the requested change would have an adverse impact on significant natural, historic, or scenic resources.
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- To what extent the zoning proposal will adversely affect the property values of adjacent or nearby property.
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- The length of time the property has been vacant as zoned considered in the context of land development in the area, in the vicinity of the property.
- Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.