

**STAFF REPORT**  
**RZ132- Tax Parcel 087 022A**  
**October 21, 2024**

**REQUEST**

APPLICANT:	David Busbee
OWNER:	David Busbee
REQUEST:	Rezone A2 to AR
COUNTY COMMISSION DISTRICT:	5
SIZE OF THE PROPERTY:	36.76 acres
PRESENT USE/ZONING:	A2 General Agriculture
PROPOSED USE OF PROPERTY	AR Agriculture Residential
TAX MAP NUMBER:	087 022A
ADJACENT ZONING:	A2, AR

**PURPOSE**

The purpose of this request is to rezone parcel 087 022A from A2 (General Agriculture) to AR (Agriculture Residential) to subdivide.

**COMPATIBILITY WITH FUTURE LAND USE PLAN**

The currently adopted Future Land Use Map designation is “Back Forty.”

***Back Forty***

This character area is dominated by forests and farms. Preservation of undeveloped land takes priority. Public services cannot be efficiently provided in this area. The character area has the lowest level of infrastructure support. Residential growth should be limited and low density. The most appropriate land uses should impose a low demand on infrastructure and services. As an exception, where necessary, areas should be accessible by heavy trucks for the purpose of supporting responsible farming, forestry, and mining activities. The area should have clean surface water and a healthy wildlife habitat. The Philomath Historic District is in this character area and identified on the National Register of Historic Places. All development and land use within and adjacent to the historic district should be compatible with the historic value.

***Compatible Zoning Designations: A1, A2, B1, HI, PD***

The proposed zoning of AR (Agricultural Residential) **is NOT compatible** with the character area “Back Forty”.

**REVIEW OF THE PLAN**

The applicant has requested Tax Parcel 087 022A be rezoned to AR (Agriculture Residential) in order to subdivide a 5 acre tract from the total 36.76 acres. The purpose of this rezone is to subdivide for family.

Adjacent Properties are zoned A2 (General Agriculture) and AR (Agriculture Residential). This property is located on Comer Road. Tract 1 is 18.2 acres, Tract 2 is 5 acres, and Tract 3 is 13.5 acres. Tracts 1 and 3 will remain zoned A2, so they could not be further subdivided in their zoning designation.

## CURRENT STATUS

This request will be heard by the Oglethorpe County Zoning Board at their October 21, 2024 meeting.

Should the Zoning Board take action on the request at their October meeting, the request will go before the Oglethorpe County Board of Commissioners on November 4, 2024.

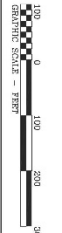
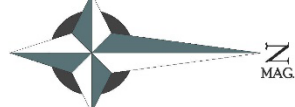
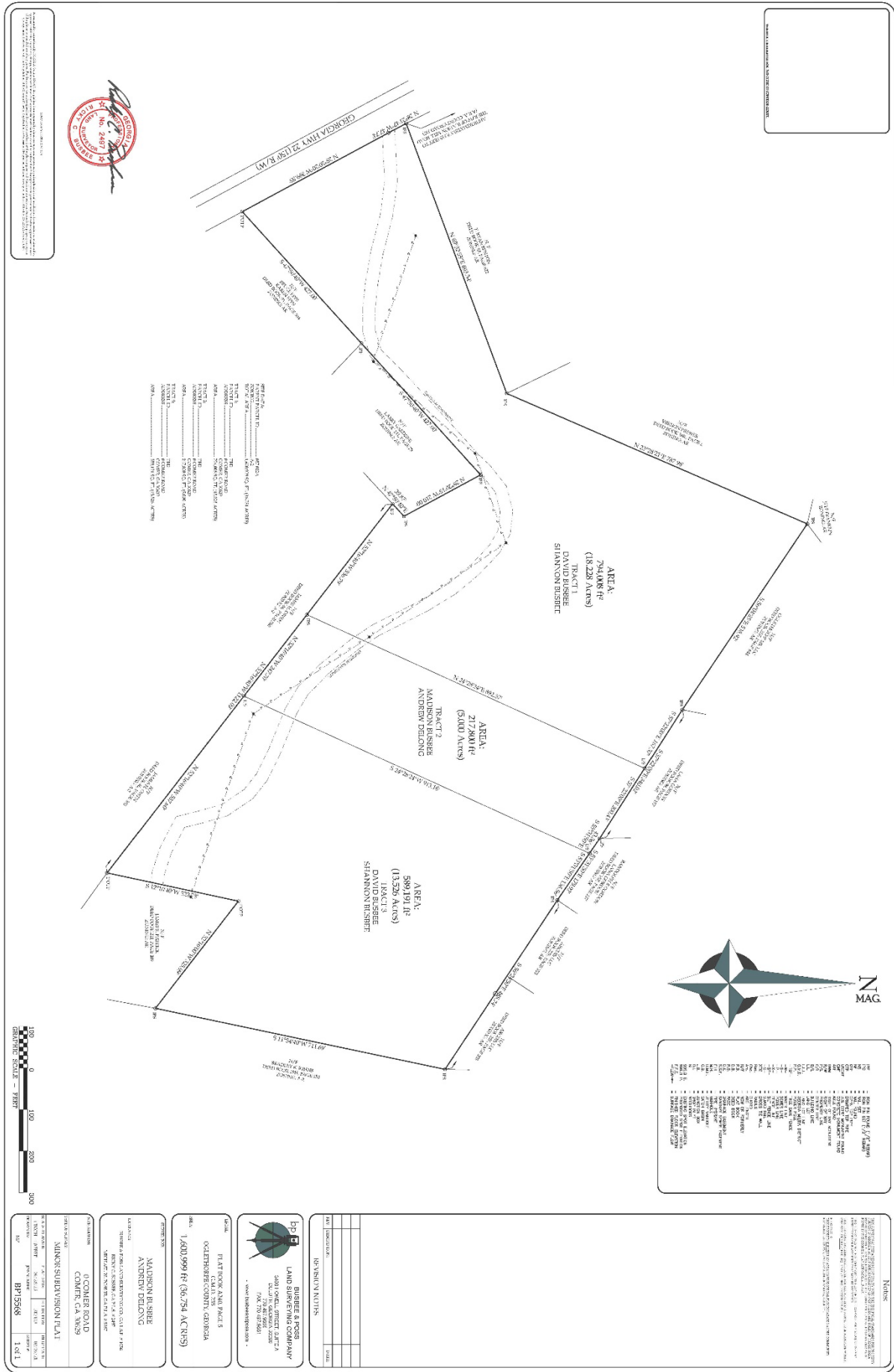
## PUBLIC NOTICE

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 October 11, 2024.

## EXHIBITS



Figure 1 Adjacent Property's Zoning



**TABLE 1**

TRACT	AREA (SQ FT)	ACRES	TOTAL
TRACT 1	294,008	6.72	
TRACT 2	21,740	0.500	
TRACT 3	589,191	13.526	
<b>TOTAL</b>	<b>904,939</b>	<b>20.746</b>	

**PROJECT NAME:**  
 CONNER ROAD  
 (GWINNETT, GA 30147)

**OWNER:**  
 MADISON BISHER  
 ANDREW DELONG

**PROJECT ADDRESS:**  
 1,800,999 FT<sup>2</sup> (66,754 AC RS)

**SURVEYOR:**  
 B.P. LAND SURVEYING COMPANY, INC.  
 1360 GLENVIEW DRIVE  
 MARIETTA, GA 30158

**NOTES:**

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE SURVEYORS BOARD OF THE STATE OF GEORGIA.

2. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.

3. THE AREA OF THIS SURVEY IS 1,800,999 SQ FT OR 66,754 ACRES.

4. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

5. THE SURVEY WAS MADE ON THE DAY OF THE MONTH AND YEAR INDICATED ABOVE.

6. THE SURVEY WAS MADE AT THE PLACE INDICATED ABOVE.

7. THE SURVEY WAS MADE BY MEANS OF THE INSTRUMENTS AND METHODS INDICATED ABOVE.

8. THE SURVEY WAS MADE BY MEANS OF THE INSTRUMENTS AND METHODS INDICATED ABOVE.

9. THE SURVEY WAS MADE BY MEANS OF THE INSTRUMENTS AND METHODS INDICATED ABOVE.

10. THE SURVEY WAS MADE BY MEANS OF THE INSTRUMENTS AND METHODS INDICATED ABOVE.

## 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.