

STAFF REPORT
VA-026 Tax Parcel 087 022A
November 18, 2024

REQUEST

APPLICANT:David Busbee
OWNER:.....David Busbee
REQUEST:Variance to number of houses on a private drive
COUNTY COMMISSION DISTRICT5
SIZE OF PROPERTY.....36.76 acres
PRESENT USE/ZONING:.....A2 General Agriculture
PROPOSED USE OF PROPERTYAR Agriculture Residential
TAX MAP NUMBER:.....087 022A
ADJACENT ZONING:A2, AR

PURPOSE

The applicant is requesting a variance to the number of houses on a private access drive.

REVIEW OF THE PLAN

The applicant is requesting a variance to Section 1111.07 to allow for more than three parcels to be accessed by a private access drive. The maximum number of parcels allowed to be accessed by one private access drive is 3.

The submitted site plan shows that 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. Tract 2 will be rezoned to AR, if approved. If these rezones are approved, there will be four (4) parcels being accessed by a private access drive.

It should be noted that the site plan submitted is binding. Should the variance be approved, the applicant may not adjust the site plan.

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 Zoning



Figure 2 – Proposed Site Plan

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.

CONDITIONS AND FINDINGS

PLEASE NOTE THAT CONDITIONS AND FINDINGS FOR VARIANCE REQUESTS DIFFER FROM CONDITIONS AND FINDINGS FOR REZONING/CONDITIONAL USE REQUESTS.

Section 1201.02 of the Oglethorpe County Unified Code of Ordinances states that: *Variances may be granted in such individual cases for practical difficulty or unnecessary hardship only upon a finding by the Board of Commissioner's that following conditions exist:*

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, character, topography; and
- The application of this Regulation to this particular piece of property would create a necessary hardship; and
- Such conditions are peculiar to the particular piece of property involved; and
- The special conditions and circumstances do not result from actions of the applicant; and
- Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; and
- The variance requested is the minimum necessary to make possible the legal use of the land, building or structure.