EFFINGHAM COUNTY PLANNING BOARD
FINAL MEETING AGENDA
Effingham County Administrative Complex
Commission Meeting Chambers
804 S. Laurel Street, Springfield, GA 31329
February 14, 2022 – 6PM
(Also aired via Zoom) Dial: +1 301 715 8592
Meeting ID: 813 3598 8234; Passcode: 820424

The Georgia Conflict of Interest in Zoning Actions Statute (O.C.G.A. §§ 36-67A-1 et seq.) requires disclosure of certain campaign contributions made by applicants for rezoning actions and by opponents of rezoning applications. A rezoning applicant or opponent of a rezoning application must disclose contributions or gifts which in aggregate total $250.00 or more if made within the last two years to a current member of the Effingham County Planning Board, Board of Commissioners, or other Effingham County official who will consider the application. The campaign contribution disclosure requirement applies to an opponent of a rezoning application who publishes his or her opposition by appearance before the Planning Board or Board of Commissioners or by any other oral or written communication to a member or members of the Planning Board or Board of Commissioners. Disclosure must be reported to the Board of Commissioners by applicants within ten (10) days after the rezoning application is filed and by opponents at least five (5) days prior to the first hearing by the Planning Board. Any person knowingly failing to comply with these requirements shall be guilty of a misdemeanor.

<table>
<thead>
<tr>
<th>Item of Business</th>
<th>Action Requested of Planning Board</th>
<th>Previous Action of Board</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Call To Order</td>
<td>6:00PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Invocation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III. Pledge to the Flag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. Agenda Approval</td>
<td>Consideration to approve the agenda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V. Minutes</td>
<td>Approval of the January 31, 2022 minutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI. New Business</td>
<td>All items presented during this portion of the meeting will be presented at the March 1, 2022 Board of Commissioners Meeting at 6:00 pm as a Public Hearing (with the exception of pond and residential business approvals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01 Public Hearing</td>
<td>Eric Henry request to rezone 2.32 acres from AR-1 to AR-2 to allow for a combination of parcels. Located at 2819 &amp; 2823 Sandhill Road. (First District) [Map# 301C Parcels# 2 &amp; 3]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>02 Public Hearing</td>
<td>Jerome S. Konter as Agent for JGH Commercial, LLC requests to rezone 18.67 acres from PD Commercial to PD Residential to allow for multi-family residential development. Located on Hodgemsville Road. (Second District) [Map# 416 Parcel# 20D]</td>
<td>Denied</td>
<td></td>
</tr>
<tr>
<td>03 Public Hearing</td>
<td>Rachel &amp; James McDowell request to rezone 4.95 acres from AR-1 &amp; B-2 to AR-2 to allow for a combination of parcels. Located at 3714 Noel C. Conaway Road. (Second District) [Map# 436 Parcels# 67 &amp; 68]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>Public Hearing</td>
<td>Description</td>
<td>Decision</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>04 Public Hearing</td>
<td>Daniel Henry requests to rezone 5.1 acres from AR-1 to AR-2 to allow for the division of the parcel. Located at 4302 Old Dixie Highway. (Third District) [Map# 313 Parcel# 12]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>05 Public Hearing</td>
<td>Franklin &amp; Gail Smith request to rezone 5 acres from AR-1 to AR-2, to allow for the creation of a home site. Located at 1900 Old Dixie Highway. (Third District) [Map# 364 Parcel# 56A]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>06 Public Hearing</td>
<td>Schel Paulk requests a variance from the required 800' block length. Located on Courthouse Road, zoned AR-2. (Fourth District) [Map# 370 Parcel# 16B]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>07 Public Hearing</td>
<td>Schel Paulk requests approval of a sketch plan for: &quot;Primrose Place&quot;. Located on Courthouse Road, zoned AR-2. (Fourth District) [Map# 370 Parcel# 16B]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>08 Public Hearing</td>
<td>F. Lamar Allen requests to rezone .49 acres from AR-2 to AR-1 to allow for the combination of adjacent parcels. Located on Courthouse Road. (Fourth District) [Map# 390A Parcel# 5A]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>09 Public Hearing</td>
<td>Jonathan Yates as Agent for Donald A. &amp; Lyn M. Wester requests a variance to reduce the required distance of a telecommunications tower from a residence. Located at 2800 Little McCall Road. (Fourth District) [Map# 392 Parcel# 2A]</td>
<td>Postponed to 3/21</td>
<td></td>
</tr>
<tr>
<td>10 Public Hearing</td>
<td>Jonathan Yates as Agent for Donald A. &amp; Lyn M. Wester request to rezone 38.495 acres from R-1 to AR-1. Located at 2800 Little McCall Road. (Fourth District) [Map# 392 Parcel# 2A]</td>
<td>Postponed to 3/21</td>
<td></td>
</tr>
<tr>
<td>11 Public Hearing</td>
<td>Jonathan Yates as Agent for Donald A. &amp; Lyn M. Wester requests a conditional use to allow for a telecommunications tower. Located at 2800 Little McCall Road, zoned R-1 proposed zoning AR-1. (Fourth District) [Map# 392 Parcel# 2A]</td>
<td>Postponed to 3/21</td>
<td></td>
</tr>
<tr>
<td>12 Public Hearing</td>
<td>Backwater Expeditions, LLC as Agent for Marie Raimondo request to rezone 69.103 acres from AR-1 to PD Recreation, to allow for an ecotourism site. Located at 545 Wyly Road. (Fourth District) [Map# 459 Parcel# 84]</td>
<td>Postponed to 3/21</td>
<td></td>
</tr>
<tr>
<td>13 Public Hearing</td>
<td>Backwater Expeditions, LLC as Agent for Marie Raimondo request approval of a sketch plan for: &quot;Backwater Outpost.&quot; Located at 545 Wyly Road, zoned AR-1, proposed zoning PD Recreation. (Fourth District) [Map# 459 Parcel# 84]</td>
<td>Postponed to 3/21</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>14 Public Hearing</td>
<td><strong>Wesley R. Neurath</strong> requests a <strong>variance</strong> to waive the restriction that a private, unpaved road may serve no more than three lots. Located on Nellie Road, zoned AR-1. <em>(Fifth District)</em> [Map# 461 Parcel# 27]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>15 Public Hearing</td>
<td><strong>Wesley R. Neurath</strong> request to <strong>rezone</strong> 5.5 acres from AR-1 to AR-2 to allow for the creation of a home site. Located on Nellie Road. <em>(Fifth District)</em> [Map# 461 Parcel# 27]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>16 Public Hearing</td>
<td><strong>Consideration of amendments to:</strong> Appendix C – Zoning Ordinance, Article II – Definitions; Article V - Uses Permitted in Districts, Sections: 5.6. R-3 Multifamily; 5.8. R-6 Single Family Residential; 5.9. B-1 Neighborhood Commercial; 5.10. B-2 General Commercial; and, 5.11. B-3 Highway Commercial.</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>VIII. Adjournment</td>
<td>7:29PM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Staff Report

Subject: Rezcn (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022
Item Description: Eric Henry requests to rezone 2.32 acres from AR-1 to AR-2 to allow for a combination of parcels. Located at 2819 & 2823 Sandhill Road. Map# 301 Parcels# 2 & 3

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 2.32 acres from AR-1 to AR-2 to allow for a combination of parcels.

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 parcels are located in Speller subdivision, which is zoned AR-1.
- The applicant wishes to combine parcels to create a 2.32-acre lot which will be used to build a residence.
- The current lots are legal non-conforming AR-1 lots. Once combined, they will still be non-conforming, so the applicant is requesting to rezone to AR-2, to bring the new lot into compliance with the zoning district.

Alternatives
1. Approve the request to rezone 2.32 acres from AR-1 to AR-2 to allow for a combination of parcels, with the following conditions:
   1. The new, combined, lot shall meet the requirements of the AR-2 zoning district.
   2. A recombination plat must be approved and recorded before the rezoning can take effect.
   3. Once the new plat is recorded, the applicant shall submit a 911 address request to consolidate existing addresses to one.
2. Deny the request to rezone 2.32 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
2. Ownership certificate/authorization
3. Deed
4. Plat
5. Aerial photograph
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL_________ DISAPPROVAL_______

Of the rezoning request by applicant Eric Henry – Map # 301C Parcels # 2 & 3 from AR-1 to AR-2 zoning.

Yes  No  ?  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  ?  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No  ?  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No  ?  4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes  No  ?  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No  ?  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No  ?  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  ?  8. Do other conditions affect the property so as to support a decision against the proposal?
Speller Subdivision

ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 1/10/2022

Applicant/Agent: Eric Henry

Applicant Email Address: eric.henry@gmail.com

Phone #: 858-774-8887

Applicant Mailing Address: 332 Coconut Drive

City: Bloomingdale State: GA Zip Code: 31302

Property Owner, if different from above: Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known): eric.henry@gmail.com

Phone #: 858-774-8887

Owner’s Mailing Address: 332 Coconut Drive

City: Bloomingdale State: GA Zip Code: 31302

Property Location: 2819 + 2823 Sandhill Rd

Proposed Road Access: Sandhill Rd


Tax Map-Parced #: 0301C002 Total Acres: 2.32 Acres to be Rezoned: 2.32

Lot Characteristics:

WATER

X Private Well

Public Water System

SEWER

X Private Septic System

Public Sewer System

If public, name of supplier:

Justification for Rezoning Amendment: Lat Consolidation 5 Acres, non-conforming AR-1

List the zoning of the other property in the vicinity of the property you wish to rezone:

North South East West

Rev 05052021
1. Describe the current use of the property you wish to rezone.
   Residential

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?
   Yes

3. Describe the use that you propose to make of the land after rezoning.
   Residential

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   Residential

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?
   The use will be unchanged

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
   No

Applicant Signature: [Signature] Date 1/10/2022

Rev 05052021
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

Nov 15, 2021

on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2740 page 244-245.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature

Print Name

Owner’s signature

Print Name

Owner’s signature

Print Name

Sworn and subscribed before me this 10th day of January, 2020.

Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA  
COUNTY OF EFFINGHAM  

LIMITED WARRANTY DEED  

THIS INDENTURE is made this 1st day of November, 2021, by and between ALLEN C SPELLER, JR., ("Grantor") and ERIC D HENRY ("Grantee") ("Grantor" and "Grantee" to include their respective successors, legal representatives and/or assigns where the context requires or permits), 

WITNESSETH:  

Grantor, in consideration of the sum of Ten Dollars ($10) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee, the following described Property (the "Property") to wit:  

ALL those certain lots of land known as LOT TWO (2) and LOT THREE (3), SPELLER SUBDIVISION, as shown on a plat of said Subdivision prepared by Wilder Surveying, dated June 13, 1983, said plat recorded in Plat Cabinet A, Slide 390-B, Effingham County, Georgia records. Said plat is by reference incorporated herein and made a part hereof for better determining the metes and bounds.  

Said property having an address of 2819 and 2823 Sandhill Road, Guyton, GA 31312, and a property tax numbers of 0301C-002-000 and 0301C-003-000.  

This being the same property conveyed to Allen C. Speller, Jr. by Quit Claim Deed from Allen C. Speller, Jr. and Robert Speller, dated September 24, 1998, and recorded in Deed Book 535, Page 382, Effingham County records.  

Subject, however, to all valid restrictive covenants, easements and rights-of-way of record.  

TO HAVE AND TO HOLD the Property together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, forever in Fee Simple.  

AND Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of any persons owning, holding or claiming by, through or under Grantor.
IN WITNESS WHEREOF, the Grantor has executed, or has caused its duly authorized representative to execute, this Limited Warranty Deed under seal, and deliver this Limited Warranty Deed, all as of the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Allen C. Speller, Jr.

(seal)
A RETRACEMENT SURVEY OF
LOTS 2 & 3,
SPELLER SUBDIVISION,
1559 C.M. DISTRICT
EFFINGHAM COUNTY, GEORGIA.

SURVEYED FOR: LAYNE RUSSELL GARDNER TRUST
SEPTEMBER 13, 2021 JOB NO. 202100906
LAST REVISED N/A DRAWN BY DJG

ADDRESS: 2819 & 2823 SANDHILL ROAD

MICHAEL JIM GARDNER
LAND SURVEYOR
120 VARNOE AVENUE
GARDEN CITY, GEORGIA 31408
PHONE (912) 964-8282

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBLIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREC. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 12-9-46.

MICHAEL J. GARDNER
O.K. REG. LAND SURVEYOR NO. 3286

9/13/2021

SCALE 1" = 60'
Staff Report

Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022

Item Description: Jerome S. Konter as Agent for JGH Commercial, LLC requests to rezone 18.67 acres from PD (commercial) to PD (residential) to allow for 206-unit multi-family residential development. Located on Hodgeville Road. Map# 416 Parcel# 20D

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 18.67 acres from PD (commercial) to PD (residential) to allow for multi-family residential development, 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.
- The applicant has determined that market conditions favor multifamily residential rental development over commercial development at this location, and requests a change in permitted land use for this parcel.
- Pursuant to section 5.15.2.2 (Planned Development), any substantial change (such as land use, acreage, and project intent) is treated as a proposed amendment to the zoning ordinance, and must be approved by the Board of Commissioners.
- At the July 21, 2021 pre-application meeting, staff provided input on requirements for open space, amenities, resident parking, common element maintenance, and a traffic study to identify necessary improvements for Hodgeville Road.
- A PD amendment/rezoning application was submitted for the December Planning Board meeting agenda. Staff requested revisions to clarify the PD amendment. The current version of the PD document proposes a multifamily development with up to 206 units in 25 buildings (12 buildings with 2-bedroom units and 13 buildings with 3-bedroom units), which represents a gross density of 11 units per acre, and a net density of 15 units per acre. 174 units are shown on attached concept plan, which represents a gross density of 9.3 units per acre, and a net density of 12.7 units per acre. This project will be served by county water and sewer.
- The development will include parking in front of the buildings and five 6-unit garage buildings. 1.5 parking spaces are required per multifamily unit (174 units*1.5=261 spaces); 375 total spaces are proposed. 206 units would require at least 309 parking spaces.

Alternatives
1. Approve the request to rezone 18.67 acres from PD (commercial) to PD residential, with the following conditions:
   1. A Sketch Plan must be approved by the Board of Commissioners before site development plans are submitted.
   2. Site development plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE.
   4. A traffic study must be submitted during the development plan review process, pursuant to Effingham County Traffic Study Requirements.

2. Deny request to rezone 18.67 acres from PD (commercial) to PD (residential).

Recommended Alternative: 1
Department Review: Development Services
FUNDING: N/A
Attachments: 1. Rezoning application and checklist
   2. Ownership certificate
   3. Plat
   4. Deed
   5. Aerial photograph
Staff Report

Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022
Item Description: Rachel & James McDowell request to rezone 4.95 acres from AR-1 & B-2 to AR-2 to allow for a combination of parcels. Located at 3714 Noel C. Conaway Road. Map# 436 Parcels# 67 & 68

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 4.95 acres from AR-1 & B-2 to AR-2 to allow for a combination of parcels, 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 B-2 lot (Map# 436 Parcel# 68) was rezoned to B-2 in 1986 to allow for an automotive paint & body shop. Due to the AR zoning of surrounding properties and the classification of residential on the Future Land Use map, it is desirable that this parcel revert to AR zoning.
- The applicants wish to combine their lots for tax purposes. The zoning of the lots must be compatible to allow for the combination.
- The current land use is residential and neither individual parcel, nor the combined sum of the two parcels, meets the 5-acre minimum for a conforming AR-1 lot, therefore AR-2 is an appropriate choice for both size and zoning conformance.

Alternatives
1. Approve request to rezone 4.95 acres from AR-1 & B-2 to AR-2 with the following conditions:
   1. The recombinced lot shall meet the requirements of the AR-2 zoning district.
   2. A recombination plat must be approved by Development Services, and be recorded before the rezoning can take effect.
2. Deny the request to rezone 4.95 acres from AR-1 & B-2 to AR-2

Recommended Alternative: 1

Department Review: Development Services
Attachments: 1. Rezoning application and checklist 2. Ownership certificate/authorization

Other Alternatives: 2
FUNDING: N/A
4. Plat
5. Aerial photograph 6. Deed
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _______ DISAPPROVAL _______

Of the rezoning request by applicant Jerome S. Konter – (Map # 416 Parcel # 20D) from PD to PD zoning.

Yes  No  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No  4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes  No  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?
ATTACHMENT A - REZONING AMENDMENT APPLICATION

Applicant/Agent: Jerome S. Konter

Applicant Email Address: jkonter@konterhomes.com

Phone #: 912.354.9314

Applicant Mailing Address: 22 Commerce Place; Savannah, GA 31406

City: __________________________ State: ____________ Zip Code: ___________

Property Owner, if different from above: JGH Commercial LLC

Owner's Email Address (if known): jkonter@konterhomes.com

Phone #: 912.354.9314

Owner's Mailing Address: 22 Commerce Place; Savannah, GA 31406

City: __________________________ State: ____________ Zip Code: ___________

Property Location: west side of Hodgeville Rd., between Saddleclub and New Haven

Proposed Road Access: 2 driveways off Hodgeville

Present Zoning of Property: PD Proposed Zoning: PD

Tax Map-Parcel #: 416-20D Total Acres: 18.67 Acres to be Rezoned: 18.67

Lot Characteristics: wooded, flat topography

WATER

Private Well

Public Water System

SEWER

Private Septic System

Public Sewer System

If public, name of supplier: Effingham County

Justification for Rezoning Amendment: minor text amendment for multi-family

List the zoning of the other property in the vicinity of the property you wish to rezone:

North PD South PD East I-1 West PD

Rev 05052021
1. Describe the current use of the property you wish to rezone.
   undeveloped

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?
   yes, as commercial

3. Describe the use that you propose to make of the land after rezoning.
   multi-family

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   residential and industrial

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?
   multi-family is suitable with adjacent residential

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
   no; use of streets, facilities, and utilities will be similar to commercial

   use of schools will not be excessive or burdensome

Applicant Signature: [Signature] Date 10/21/2021

JGH LLC.
Managing Member
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date __________, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book __________ page __________

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature __________________________
Print Name ________________________________

Owner's signature __________________________
Print Name ________________________________

Owner’s signature __________________________
Print Name ________________________________

Sworn and subscribed before me this __________ day of __________, 20 __________

_________________________ Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA  
COUNTY OF EFFINGHAM  

THIS INDENTURE made this 29th day of November, 2006, between SOUTHEAST COAST DEVELOPMENT, LLC a Georgia Limited Liability Company, of the County of CHATHAM, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and JGH COMMERCIAL, LLC a Georgia Limited Liability Company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH

GRANTOR, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

ALL that certain tract or parcel of land, situate, lying and being in the 9th G.M.D. of the County of Effingham, State of Georgia and being known as Parcel 4 of Tract "A" being a part of a 492.06 acre portion of Tract 2, formerly lands of International Paper Realty Corporation, being a portion of the Rahn Tract aka The Rincon Research Tract Hodgesville Road, as appears upon a map or plat dated October 10, 2006 by James M Sims, CRLS #2280 recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia in Plat Book C144, Page F to which reference is hereby made for a more complete description of said Parcel 4 and said plat is expressly made a part of this description. Reference is also made to that certain plat recorded in Book C, Page 100D of Effingham County records for a further description of the said 492.06 acre tract.

Subject, however, to all valid restrictions, easements and rights of way of record.

This being the same property conveyed to SOUTHEAST COAST DEVELOPMENT, LLC a Georgia Limited Liability Company under instrument recorded in Deed Record Book 1387, Folio 426, aforesaid records and having Property I.D. No. 162-20.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise pertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE. Grantor expressly covenants that Grantor is salable of said property in good fee simple title and that Grantor has the full right, power and authority to convey the same; that the said property and the Grantor thereof are free and clear of any liens, claims or encumbrances whatever whereby the title to said property may in anywise be charged, changed, impaired or defeated and that the Grantor will forever WARRANT and DEFEND the said premises against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, Grantor has executed this Instrument by and through its duly authorized Corporate officers with the Corporate Seal affixed thereunto on the day and year first above written.

SOUTHEAST COAST DEVELOPMENT, LLC a Georgia Limited Liability Company

By: By:

Jerome S. Konter, Member/Manager (Seal)

Elizabeth K. Williams, Member/Manager (Seal)

Witnesses:

S:\1557-0271\C:\525-09-43024.jpg - Primary Image

https://search.gsccca.org/Imaging/HTMLViewer.aspx?id=48634744&key1=1557&key2=271&county=51&countyname=EFFINGHAM&userid=634459...
RESEARCH FOREST PD ZONING AMENDMENT
NARRATIVE
Revised February 21, 2022

a) General Description
The property is located on Hodgeville Road in southeastern Effingham County about five miles north of Chatham County, west of State Highway 21 and McCall Road, and south of Bluejay Road, and is identified as "PARCEL 4" of "TRACT 'A' BEING A 492.06 ACRE PORTION OF TRACT 2, RINCON RESEARCH FOREST TRACT, 9TH G.M. DISTRICT, EFFINGHAM COUNTY, GEORGIA" on the recorded plat, with Tax Parcel ID # 416-20D.

b) Present Ownership
The site is currently owned by JGH Commercial LLC of Savannah, Georgia.

c) Proposed Land Uses and Development Standards
If the rezoning amendment is granted, the resulting change in use for the property will be from commercial to multi-family residential. The amendment of the PD Zoning will allow an up to 206-unit multi-family complex to be constructed with amenities to include parking, pedestrian facilities, limited detached garages, stormwater detention, and open space, with no wetland impacts required.

<table>
<thead>
<tr>
<th>Lot Area (minimum)</th>
<th>800 SF (per dwelling unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width (minimum)</td>
<td>15’</td>
</tr>
<tr>
<td>Depth (minimum)</td>
<td>30’</td>
</tr>
<tr>
<td>Height (maximum)</td>
<td>35’</td>
</tr>
<tr>
<td>Setbacks (minimum)</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>70’ (from centerline of road)</td>
</tr>
<tr>
<td>Building Separation</td>
<td>20’ (between buildings)</td>
</tr>
<tr>
<td>Side</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
</tr>
</tbody>
</table>

Buffer requirements established in the original Planned Development District zoning will remain the same except for wetlands which will require no buffer unless stipulated by the US Army Corps of Engineers.

d) Exceptions Requested
No exceptions are requested. [Density will be mitigated by onsite amenities, mixed building materials, open space, common areas, etc. Regarding PD ordinance sec. 5.15.3.1 (k) impact on the school system, it is estimated that up to 206 units could result in up to approximately 309 children living in the development.]
e) Percentage of Land Uses

<table>
<thead>
<tr>
<th>Table 1-2: Land Uses</th>
<th>Acres (Range)</th>
<th>Percentage of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhomes/Apartments</td>
<td>2.8-7.5</td>
<td>15-40</td>
</tr>
<tr>
<td>Right-of-Way Dedication</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Open Space</td>
<td>4-6</td>
<td>21-32</td>
</tr>
<tr>
<td>Common Areas</td>
<td>3.5-6.5</td>
<td>19-35</td>
</tr>
<tr>
<td>Ponds</td>
<td>1.5-2.75</td>
<td>8-15</td>
</tr>
<tr>
<td>TOTAL</td>
<td>18.67</td>
<td>100</td>
</tr>
</tbody>
</table>

f) Dwelling Units
Units will vary in size, with up to 3-bedrooms per unit.

<table>
<thead>
<tr>
<th>Table 1-3: Dwelling Unit Summary</th>
<th>Number of Units</th>
<th>Net Acres</th>
<th>Max. Net Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>206 (maximum)</td>
<td>13.7 (maximum)</td>
<td>15 units/acre</td>
</tr>
</tbody>
</table>

g) Proposed Dedication of Public Use
No dedication of public use is proposed at this time.

h) Open Space, Walks, and Common Areas
See Table 1-2 above.

i) Utilities
Public water and sewer service is available and shall be provided by Effingham County. Storm water management shall be accounted for by use of a detention pond for storage.

j) Access and Parking
Private drives will be provided to allow sufficient access to each residential unit, amenity center, and garage buildings. Access to the facilities will be from Hodgeville Road with adequate off-street parking (minimum 1.5 spaces/unit) provided.

k) Schedule
Mass grading activities (digging the pond and raising the elevation of the land with onsite material recovered from the pond excavation) would be expected to start in 2022 and be completed in 2022. Vertical construction and the balance of the site work would not be expected to begin before 2023 and end sometime in 2024. No phasing is anticipated.

l) Installation and Maintenance of Improvements
Installation of improvements will be governed by site plans to be designed at a later date. Approval of such will precede issuance of building permits. Management of the community, including maintenance of building exteriors and common areas, trash collection, and provision of lighting, will be provided by a professional management firm and/or an owners association. Restrictive Covenants will be prepared at a later date.
December 14, 2021

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
  Jerome S. Konter
  Westside of Hodgeville Road Rincon, GA 31312
  Pin: 416-20D
  Total Acres: 18.67 Acres to be rezoned: 18.67

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land to PD. The proposed rezoning request is approved based on the development being serviced by the Effingham County Sewer and Water system.

If this project cannot be serviced by the Effingham County water and sewer system:

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. The following signature block should be used on all plats that require Health Department approval

   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.
This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

[Signature]

Darrell M. O'Neal, NPA
Environmental Health County Manager
Effingham County Health Department
Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022
Item Description: Rachel & James McDowell request to rezone 4.95 acres from AR-1 & B-2 to AR-2 to allow for a combination of parcels. Located at 3714 Noel C. Conaway Road. Map# 436 Parcels# 67 & 68

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 4.95 acres from AR-1 & B-2 to AR-2 to allow for a combination of parcels, 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 B-2 lot (Map# 436 Parcel# 68) was rezoned to B-2 in 1986 to allow for an automotive paint & body shop. Due to the AR zoning of surrounding properties and the classification of residential on the Future Land Use map; it is desirable that this parcel revert to AR zoning.
- The applicants wish to combine their lots for tax purposes. The zoning of the lots must be compatible to allow for the combination.
- The current land use is residential and neither individual parcel, nor the combined sum of the two parcels, meets the 5-acre minimum for a conforming AR-1 lot, therefore AR-2 is an appropriate choice for both size and zoning conformance.

Alternatives
1. Approve request to rezone 4.95 acres from AR-1 & B-2 to AR-2 with the following conditions:
   1. The recombined lot shall meet the requirements of the AR-2 zoning district.
   2. A recombination plat must be approved by Development Services, and be recorded before the rezoning can take effect.

2. Deny the request to rezone 4.95 acres from AR-1 & B-2 to AR-2

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services
Attachments: 1. Rezoning application and checklist 4. Plat
2. Ownership certificate/authorization 5. Aerial photograph
3. Plat 6. Deed
FUNDING: N/A
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL □ DISAPPROVAL □

Of the rezoning request by applicant Rachel & James McDowell – (Map # 436 Parcels# 67 & 68) from AR-1 & B-2 to AR-2 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 1/18/22

Applicant/Agent: Rachel & James McDowell

Applicant Email Address: rachel.cooper@rocketmail.com

Phone #: 727-481-8381

Applicant Mailing Address: 3714 Noel C Conaway Rd

City: Englewood State: GA Zip Code: 34212

Property Owner, if different from above: same

Include Signed & Notarized Authorization of Property Owner

Owner's Email Address (if known): same

Phone #: same

Owner’s Mailing Address: same

City: ______________________ State: ________ Zip Code: ______________________

Property Location: 3714 Noel C Conaway Rd

Proposed Road Access: Noel C Conaway Rd

Present Zoning of Property: AR-1 & B-2 Proposed Zoning: AR-2 or both to AR-1

Tax Map-Parcel #: 3714 (4360067 & 4360068) Total Acres: 4.95 Acres to be Rezoned: 4.95

Lot Characteristics: vacant

WATER

☑ Private Well

☐ Public Water System

If public, name of supplier: N/A

SEWER

☑ Private Septic System

☐ Public Sewer System

Justification for Rezoning Amendment: We would like to apply for Homestead exception & bring property to current code.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North AR-1 South AR-1 East AR-2 West AR-1

Rev 05052021
1. Describe the current use of the property you wish to rezone.

Both parcels are our home, but the residence is on the smaller parcel.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Yes

3. Describe the use that you propose to make of the land after rezoning.

It will continue to be our home.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

It is part of our backyard.

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?


6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No.

Applicant Signature:  

Date 1/13/22
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

July 23, 2020, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2609 page 696-1 4015 100-00

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature

Print Name: James Scott McDowell

Owner’s signature

Print Name

Owner’s signature

Print Name

Sworn and subscribed before me this 18 day of January, 2022

Kathleen Erin Dunnigan
Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA
COUNTY OF EFFINGHAM

THIS INDENTURE is made as of this 23rd day of July, 2020, Colby F. Thornton of the
County of Effingham and State of Georgia, as party or parties of the first part, hereinafter referred
to as "Grantor," and James Scott McDowell and Rachel Anne Cooper, as Joint Tenants with
Rights of Survivorship, of the County of Effingham, and State of Georgia, as party or parties of
the second part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to
include their respective heirs, successors, executors, administrators, legal representatives and
assigns where the context requires or permits).

WITNESSETH That the said party of the first part, for and in consideration of the sum of
Two Hundred and Sixty-Three Thousand Dollars ($263,000.00) in hand paid, at and before
the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has
granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey
unto the said party of the second party, all that tract or parcel of land more particularly described
as the following:

All that parcel of land in the County of Effingham, State of Georgia, being known and
designated as follows:

All that certain property lying and being in Effingham County, Georgia, as shown and
depicted upon a plat or survey prepared by Paul D. Wilder, RLS dated October 3,
1986, and recorded in Plat Book 24, Page 87 in the Office of the Clerk of Superior
Court of Effingham County, Georgia and having the following dimensions:
Commencing at a concrete marker located on the Southern boundary line of Georgia
Hwy 30 at its intersection with the Northwestern corner of the property identified as
Terrell Floyd and proceeding thence South 88 degrees, 48 minutes, 00 seconds East, a
distance of 170.12 feet to a concrete marker; proceeding thence South 00 degrees, 07
minutes, 00 seconds East, a distance of 1,015.09 feet to a concrete marker; thence South
48 degrees, 52 seconds, 50 minutes West, a distance of 275.60 feet to a concrete marker;
thence North 1 degree, 41 minutes, 36 seconds East the distance on 1,200.42 feet to a
point of beginning. These properties being more commonly known under the current
numbering system of Effingham County as: 3714 Noel C Conaway Road, Guyton
3714 Noel C Conaway
Subject: Rezone (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022

Item Description: Daniel Henry requests to rezone 5.1 acres from AR-1 to AR-2 to allow for a three-lot subdivision. Located at 4302 Old Dixie Highway. Map# 313 Parcel# 12

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5.1 acres from AR-1 to AR-2 to allow for a three-lot subdivision.

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 5.1-acre parcel, creating three home sites, for both sale and land gifts to their children.
- Since none of the proposed lots will meet the 5-acre minimum for a conforming AR-1 lot, the entire 5.1 acres must be rezoned.

Alternatives
1. Approve the request to rezone 5.1 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 the Health Department and Development Services, and be recorded before the rezoning can take effect.
2. Deny the request to rezone 5.1 acres from AR-1 to AR-2

Recommended Alternative: 1

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Plat
4. Aerial photograph
5. Deed
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate.

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL______ DISAPPROVAL______

Of the rezoning request by applicant Daniel Henry – (Map # 313 Parcel # 12) from AR-1 to AR-2 zoning.

Yes  No  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No  4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes  No  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 12/18/2021

Applicant/Agent: Daniel Henry
Applicant Email Address: masterbehemath@gmail.com
Phone #: (912) 844-8674

Applicant Mailing Address: 6 Earl Court
City: Savannah State: GA Zip Code: 31406

Property Owner, if different from above: Daniel D. Henry
Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known): 
Phone #: (912) 354-7102

Owner’s Mailing Address: 6 Earl Court
City: Savannah State: GA Zip Code: 31406

Property Location: 4302 Old Dixie Highway S, Springfield, GA

Proposed Road Access: Old Dixie Hwy S Springfield


Tax Map-Parcel #: 03130012 Total Acres: 5.1 Acres to be Rezoned: 2-3 acres

Lot Characteristics: 

WATER

✓ Private Well

SEWER

✓ Private Septic System

Public Water System

Public Sewer System

If public, name of supplier: Effingham County, Springfield

Justification for Rezoning Amendment:

List the zoning of the other property in the vicinity of the property you wish to rezone:

North South East West
1. Describe the current use of the property you wish to rezone.

   Residential

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   NO

3. Describe the use that you propose to make of the land after rezoning.

   To sale 2 acres of land

   3-lot subdivision (2.21 acres)

   2 acres for sale

   Gift deed

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   Residential

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

   Residential

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

   NO

Applicant Signature: ___________________________ Date: 1/28/2021
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 09/29/2020, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 26216 page 6/8-6/19.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature __________________________
Print Name ________________________________

Owner's signature __________________________
Print Name ________________________________

Owner's signature __________________________
Print Name ________________________________

Sworn and subscribed before me this 28th day of December, 2021.

Notary Public, State of Georgia
Rebecca D. Sanders
NOTARY PUBLIC
Chatham County, Georgia
My Commission Expires 02/02/2025
STATE OF GEORGIA
COUNTY OF EFFINGHAM

LIMITED WARRANTY DEED
(WITH RIGHT OF SURVIVORSHIP)

THIS INDENTURE is made this 25th day of September, 2020, by and between SHANNON B. JONES F/K/A SHANNON BRAGG ROGERS, ("Grantor") and DANIEL D. HENRY ("Grantees") ("Grantor" and "Grantees" to include their respective successors, legal representatives and/or assigns where the context requires or permits).

WITNESSETH:

Grantor, in consideration of the sum of Ten Dollars ($10) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantees, as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in Fee Simple, and to the heirs and assigns of said survivor, the following described Property (the "Property") to wit:

ALL that certain lot, tract or parcel of land situate, lying and being in the 11th G.M. District of Effingham County, Georgia, containing Five and One Tenth (5.1) acres, more or less, and being known as Lot Number Four (4) and being bounded on the Northeast by lands of Continental Can Company; on the Southeast by Lot Number Five (5), being lands of Lambrecht and Coley; on the Southwest by the Middleground Road (Old Dixie Highway), and on the Northwest by Lot Number Three (3), being lands of Lambrecht and Coley. Express reference is hereby made to a plat of said lands made by Leigh Gignilliat, R.L.S. No. 70, dated February 28, 1974 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 8, Page 220, for better determining the metes and bounds of said lands herein conveyed.

Said property having an address of 4302 Old Dixie Highway, South, Springfield, GA 31329, and a property tax number of 03130012.

This being the same property conveyed to Shannon Bragg Rogers by Warranty Deed from Cathy Causey Bragg, dated December 16, 2003, and recorded in Deed Book 1060, Page 417, Effingham County records.

Subject, however, to all valid restrictive covenants, easements and rights-of-way of record.
TO HAVE AND TO HOLD the Property together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, or to the survivor of them, forever in Fee Simple.

AND Grantor will warrant and forever defend the right and title to the Property unto Grantees against the claims of any persons owning, holding or claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has executed, or has caused its duly authorized representative to execute, this Limited Warranty Deed under seal, and deliver this Limited Warranty Deed, all as of the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Witness

[Signature]

Notary Public
My Commission Expires
[Notarial seal]
12/30/2021

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
Daniel Henry
4302 Old Dixie Highway South Springfield, GA 31329
Pin: 313-12
Total Acres: 5.10 Acres to be rezoned: 5.10

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to AR-2. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. The following signature block should be used on all plats that require Health Department approval

   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.
This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

[Signature]

Darrell M. O’Neal, MPA
Environmental Health County Manager
Effingham County Health Department
Effingham County, GA

Overview

Legend
- Parcels
- Parcel Numbers
- Address Numbers
- Roads
- Lakes

Flood Map
- A - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Base Flood Elevations (BFE) have not been determined.
- AE - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Determined by detailed methods with Base Flood Elevations (BFE).
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>03130012</th>
<th>Last 2 Sales</th>
<th>Date</th>
<th>Price</th>
<th>Reason</th>
<th>Qual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Code</td>
<td>Residential</td>
<td>Last 2 Sales</td>
<td>9/25/2020</td>
<td>$50000</td>
<td>SR</td>
<td>U</td>
</tr>
<tr>
<td>Taxing District</td>
<td>01-County</td>
<td>Last 2 Sales</td>
<td>9/25/2020</td>
<td>0</td>
<td>U</td>
<td>U</td>
</tr>
<tr>
<td>Acres</td>
<td>5.1</td>
<td>Last 2 Sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Note: Not to be used on legal documents)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date created: 12/28/2021
Last Data Uploaded: 12/28/2021 8:04:35 PM
Developed by Schneider Geospatial
Proposed Subdivision (Approximate)

Parcel 1 (For future sale)
- 2 Acres

Parcel 2 (Land gift to son)
- 2 Acres
- 1 Acre

Parcel 3 (Land gift to daughter)
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022
Item Description: Franklin & Gail Smith request to rezone 5 acres from AR-1 to AR-2, to allow for the creation of a home site. Located at 1900 Old Dixie Highway. Map# 364 Parcel# 56A

Summary Recommendation
Staff has reviewed the application, and recommends approval 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 applicants wish to subdivide a 5-acre parcel to create a home site for a family member and, therefore, must rezone the parcel to AR-2.

Alternatives
1. Approve request to rezone 5 acres from AR-1 to AR-2, with conditions:
   - The lot shall meet the requirements of the AR-2 zoning district.
   - Minor subdivision plat must be approved by the Health Department and Development Services, and be recorded before the rezoning can take effect.
2. Deny the request to rezone 5 acres from AR-1 to AR-2.

Recommended Alternative: 1

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application
2. Ownership certificate
3. Deed
4. Aerial photograph
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL. _____  DISAPPROVAL. _____

Of the rezoning request by applicant Franklin & Gail Smith – (Map # 364 Parcel# 56A) from AR-1 to AR-2 zoning.

Yes  No  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No  4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes  No  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 2-13-2022

Applicant/Agent: Franklin & Gail Smith

Applicant Email Address: N/A

Phone #: 912-754-3522

Applicant Mailing Address: 1954 Old Dixie Hwy

City: Clyo State: Ga Zip Code: 31303

Property Owner, if different from above: N/A

Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known):

Phone #: 912-754-3522

Owner’s Mailing Address: 

City: 

State: 

Zip Code: 

Property Location: 1900 Old Dixie Hwy Clyo Ga. 31303

Proposed Road Access: 60 ft. easement


Tax Map-Parcel #03640-056-A0 Total Acres: 5 Acres to be Rezoned: .5

Lot Characteristics: Plat attached

WATER

___ Private Well

___ Public Water System

SEWER

___ Private Septic System

___ Public Sewer System

If public, name of supplier: 

Justification for Rezoning Amendment: Division of Property for Family

List the zoning of the other property in the vicinity of the property you wish to rezone:

North South East West

Rev 05052021
1. Describe the current use of the property you wish to rezone.

   Home & Farm Land

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   Yes

3. Describe the use that you propose to make of the land after rezoning.

   2 Homes on 5 acres

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   Home & Farm - other smaller than 5 acres in area - Behind this property & across old driveway

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

   Future Home site for family

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

   No

Applicant Signature: _______________ Date 1-13-2022

Bail Smith
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date March 31, 1970, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 150, page 938.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature___________________________
Print Name______________________________

Owner's signature___________________________
Print Name______________________________

Owner's signature___________________________
Print Name______________________________

Sworn and subscribed before me this 13th day of January, 2022.

Notary Public, State of Georgia

Mary Ann Brown

Rev 05052021
WARRANTY DEED

STATE OF GEORGIA )

COUNTY OF EFFINGHAM )

FROM ARTIS D. RAHN ) TO FRANKLIN & GAIL K. SMITH

THIS INDENTURE, Made the 31st day of MARCH in the
year of our Lord One Thousand Nine Hundred and SEVENTY
between

ARTIS D. RAHN

of the FIRST PART, and FRANKLIN SMITH AND GAIL K. SMITH

of the SECOND PART,

WITHNESSETH.

First part, for and in consideration of the sum of ($10.00 ) DOLLARS

and other valuable considerations, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and
convey unto second part, their heirs, successors and assigns, the following described property, to wit:

All that certain lot or parcel of land situated lying and
being in the 11th. G. M. District, Effingham County, Georgia,
containing twenty two and four-tenths (22.4) acres, more or
less, bounded on the northeast by lands of G. A. and J. L.
Armstrong; on the southeast by lands of G. L. Rahn, and lands
of Franklin and Gail K. Smith; on the southwest by the Old
Dixie Highway, and on the northwest by the Channel of Turkey
Branch, according to a map of plat of thirty three (33) acres
of land made by D. M. Weitman, for A. D. Rahn, March 9, 1933,
recorded in Book P, Page 519, Surveyor's Records of Effingham
County, Georgia.

The southwestern 10.6 acres of the said 33 acre parcel of land
having been previously conveyed by the Grantor herein to the
Grantees herein.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, impro-

vements, easements, and appurtenances thereunto belonging or in any wise appertaining unto second party

their heirs, successors and assigns, FOREVER IN FEE SIMPLE with full WARRANTY

OF TITLE to said property against the claims of all persons whosoever.

IN WITNESS WHEREOF, first part, has hereunto set his hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Patricia B. Tebeau
Artis D. Rahn

Notary Public, Effingham County, Georgia.

Z. Vance Dasher

Recorded April 6, 1970 Deputy Clerk
AUTHORIZATION OF PROPERTY OWNER

I, Franklin Smith Gail Smith, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a Rezoning Amendment Approval. I acknowledge and accept that I will be bound by the decision of the Board of Commissioners, including any conditions, if the application is approved.

Name of Applicant/Agent: Franklin Gail Smith

Applicant/Agent Address: 1954 Old Dixie Hwy

City: Clyo State: Ga. Zip Code: 31303

Phone: 912-754-3522 Email:

Owner’s signature: Franklin Smith Gail Smith

Print Name: Franklin Smith Gail Smith

Personally appeared before me, Franklin Smith Gail Smith (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Sworn and subscribed before me this 13th day of January, 2022

Mary Ann Brown
Notary Public, State of Georgia

Rev 05052021
TAX PARCEL 364-56

APPROVAL EFFINGHAM COUNTY:
APPROVED FOR RECORDING BY
EFFINGHAM COUNTY ZONING
ADMINISTRATION.

[Signature] 12-12-21
ZONING ADMINISTRATOR DATE

FRANKLIN SMITH &
GAIL SMITH

N 47°25'59"E 1240.56' S

5.00 ACRES

S 47°08'00"W 804.78'

PROPERTY SURVEY
FOR
FRANKLIN SMITH &
GAIL SMITH

LOCATED IN THE 11TH
G. M. D., EFFINGHAM
COUNTY, GEORGIA

DATE: NOVEMBER 30, 2011
BY: WARREN E. POTHRESS
Reg. Land Surveyor & 1953
991 Hunters Road Sylvania, Ga.
30467 Tele. – (912) 857-3288
EQUIPT: TOPCON 303 TOTAL STATION
THE FIELD DATA UPON WHICH THIS
MAP OR PLAT IS BASED HAS A
CLOSURE PRECISION OF ONE FOOT
IN 26432 FEET, AND ANGULAR
ERROR OF 06 SECONDS PER ANGLE
POINT. AFTER ADJUSTMENTS BY
THE COMPASS RULE THE FINAL PLAT
HAS BEEN CALCULATED FOR CLOSURE
AND IS FOUND TO BE ACCURATE WITH-
IN ONE FOOT IN 800008 FEET.
Subject: Variance (Fourth District)  
Author: Teresa Concannon, AICP, Planning & Zoning Manager  
Department: Development Services  
Meeting Date: February 14, 2022  
Item Description: Schel Paulk requests a variance from section 7.1.11 cul de sac, and section 7.3.1 Blocks, regarding maximum block length. Located on Courthouse Road, zoned AR-2. Map# 370 Parcel# 16B

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a variance from the maximum block length.

Executive Summary/Background
- Pursuant to Appendix C—Zoning Ordinance, Article VII—Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
  - That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and
  - That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- Pursuant to Appendix B—Subdivision Regulations, Article VII—Design Standards, sec. 7.1.11 cul de sac, and sec. 7.3.1, Lengths block lengths shall not exceed 800 feet nor be less than 400 feet.
- The proposed street length in Primrose Place is ~1,100.
- There is no opportunity for stubbing out a street, as neighboring parcels on either side are already developed.
- Development is further limited by the presence of wetlands at the rear of the property.
- The neighboring development, Stonesthrow Plantation, is developed in a similar cul de sac design.

Alternatives
1. Approve the request for a variance from section 7.1.11 cul de sac, and section 7.3.1 Blocks  
2. Deny the request for a variance from section 7.1.11 cul de sac, and section 7.3.1 Blocks

Recommended Alternative: 1  
Other Alternatives: 2

Department Review: Development Services  
FUNDING: N/A

Attachments:  
1. Variance application  
2. Ownership Certification  
3. Deed  
4. Aerial photography
ATTACHMENT A - VARIANCE APPLICATION

Application Date: 01/14/22

Applicant/Agent: Schel Pauk, Pauk Properties, Inc.

Applicant Email Address: spauk@southernpridelawn.com

Phone #: (912) 657-3763

Applicant Mailing Address: P.O. Box 279

City: Guyton State: GA Zip Code: 31312

Property Owner, if different from above: Same

Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known):

Phone #

Owner’s Mailing Address:

City: State: Zip Code:

Property Location: 1887 Courthouse Rd, Springfield, GA

Name of Development/Subdivision: proposed "Primrose Place"

Present Zoning of Property AR2 Tax Map-Parcel #08100016 Tax Area 201 Total Acres 7.61

VARIANCE REQUESTED (provide relevant section of code):

Describe why variance is needed: we are asking for the variance for road extension.

How does request meet criteria of Section 7.1.8 (see Attachment C): The lot is bound by a subdivision on the NE side; the SE and SW are bound by private property with homes and by wetlands.

Applicant Signature: Schel Pauk Date 11/14/22

Rev 05052021
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

10/21/21

on file in the office of the Clerk of the Superior Court of Effingham County, in Dccd Book 2738 page 805.

I hereby certify that I am the owner of the property being proposed for Variance approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature

Print Name Schel Paulk, Paulk Properties, Inc.

Sworn and subscribed before me this 14 day of January, 2022.

Notary Public, State of Georgia

Rev 05052021
AUTHORIZATION OF PROPERTY OWNER

I, Schel Paulk, Properties, Inc., being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a Variance application. I acknowledge and accept that I will be bound by the decision of the Board of Commissioners, including any conditions, if the application is approved.

Name of Applicant/Agent: Schel Paulk
Applicant/Agent Address: P.O. Box 279
City: Guyton State: GA Zip Code: 31312
Phone: (912) 657-9753 Email: spaulk@southernpridelawn.com

Owner’s signature: Schel Paulk
Print Name: Schel Paulk

Personally appeared before me Schel Paulk (Owner print)
Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.
Sworn and subscribed before me this 14 day of January, 20 22.

Notary Public, State of Georgia 11/15/23

Rev 05052021
L I M I T E D W A R R A N T Y D E E D

STATE OF GEORGIA
COUNTY OF EFFINGHAM

This Indenture made this 29th day of October, 2021, between Calvin Childers, of the County of Effingham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Paulk Properties, Inc., as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said grantee,

ALL THAT CERTAIN LOT, TRACT, OR PARCEL OF LAND, 10TH G.M. DISTRICT OF EFFINGHAM, GEORGIA, BEING CONVEYED CONTAINS A TOTAL OF 24.57 ACRES, MORE OR LESS, BEING THE REMAINDER OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

ALL that certain lot, tract or parcel of land situate, lying and being in the 10th G.M. District, Effingham County, Georgia, containing 31.58 acres, more or less, that is shown and more particularly described by the plat of survey made by Warren E. Poythress, R.L.S. #1953, dated November 11, 1986, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet A250, Slide C1, which is incorporated into this description by specific reference thereto.

This being a portion of the property conveyed by Remer R. Frawley to Remer R. Frawley and Calvin Childers as evidenced by that certain Survivorship Deed dated January 30, 2019 and recorded in Deed Book 2508, page 257, aforesaid records.

LESS AND EXCEPT that 5.01 acre portion known as Parcel 2, that was conveyed by Remer R. Frawley to W. R. Rewis and Tamara W. Rewis as evidenced by that certain Deed dated May 26, 2020, recorded in Deed Book 2629, pages 549-550, and as shown the plat of survey made by Warren E. Poythress, R.L.S. #1953, dated April 21, 2020, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Book 28, page 908, which is incorporated into this description by specific reference thereto.
ALSO, LESS AND EXCEPT that 2.00 acre portion that is shown and described on the plat of survey made by Warren E. Poythress, R.L.S. #1953, dated July 28, 2021, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Book 29, page 198, which is incorporated into this description by specific reference thereto.

SUBJECT, HOWEVER, to all restrictive covenants, easements and rights-of-way of record.

Said property is out of property tax identification numbers of 03700-016-000 and 03700-016-000CUV.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warranty and forever defend the right and title to the above described property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered this 29th day of October, 2021
in the presence of:

Carrie Wilson
Unofficial Witness

Catherine J. Jones
Notary Public

My commission expires 8/25/25

(Notary Public Seal Affixed)
PROPOSED SKETCH PLAN FOR PAULK PROPERTIES, INC.

DATE: DECEMBER 23, 2021

By: Warren E. Poythress
Registered Land Surveyor No. 1953
Address: 991 Hunters Road
Sylvania, Georgia 30467
Cell Phone - 912-531-1453
Telephone: 912-857-3288
Equipment - Soklo GRS2 - GPS
Topcon 303

Sketch Plan
for
Pauk Properties, Inc.
Located in the 10th G. M. D.,
Effingham County, Georgia

COURTHOUSE ROAD

SETBACK:
FRONT = 50'
SIDE = 15'
REAR = 25'
LOT SIZE = 0.50 ACRES
SEPTIC DRAIN FIELD - 50 X 100'

LAND TO BE SOLD TO BE ATTACHED TO ADJOINING PROPERTY
1.00 ACRES MORE OR LESS

Cross-section
1 inch = 10 feet

GEORGIA
REGISTERED
LAND SURVEYOR
No. 1953
Exp. DEC. 2022
Subject: Sketch Plan (Fourth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022
Item Description: Schel Paulk requests approval of a sketch plan for “Primrose Place”. Located on Courthouse Road, zoned AR-2. Map# 370 Parcel# 16B

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for approval of a sketch plan for “Primrose Place”, with conditions.

Executive Summary/Background
- The request for approval of a sketch plan is a requirement of Appendix B - Subdivision Regulations, Article V-Plan and Plat Requirements, Section 5.1 - Sketch Plan. 
  The purpose of a sketch plan is to provide both the applicant and the county an opportunity to review the proposed development before significant financial resources have been invested. Therefore, the sketch plan does not require the certification of an engineer, surveyor, or other professional. Existing features, including water bodies, wetlands, and flood zone limits, are required to be surveyed for the sketch plan.
- This project will be served by private water (Water Utility Management) and individual septic systems.
- The development will consist of up to 18 (0.5 acre) lots on 19.56 acres.
- Sidewalks are required.
- At the November 5, 2021 pre-application meeting, the street length and construction were discussed.
- Staff will follow-up with a Notice to Proceed summarizing requirements and recommendations.

Alternatives
1. Approve the request for approval of a sketch plan, with the following conditions:
   1. A variance to section 7.1.11 cul de sac, and section 7.3.1 Blocks, has been approved by the Board of Commissioners.
   2. The final lot layout is based on septic system approval by Environmental Health.

2. Deny the request for approval of a sketch plan.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Sketch Plan application
2. Sketch Plan
3. Aerial photograph
EFFINGHAM COUNTY
SKETCH PLAN SUMITTAL FORM

OFFICIAL USE ONLY
Date Received: ___________ Project Number: ___________ Classification: ___________
Date Reviewed: ___________ Reviewed by: ___________

Proposed Name of Subdivision: Primrose Place

Name of Applicant/Agent: Schel Paulik
Phone: 912-657-3753
Company Name: Paulik Properties, Inc.
Address: PO Box 273, Guyton, Ga.

Owner of Record: Sarah
Phone: ___________
Address: ___________

Engineer: Wesley Parker, Parker Engineering
Phone: 912-764-7722
Address: 20 Courtland Ave, Statesboro, GA 30458

Surveyor: Warren Paytheiss
Phone: ___________
Address: 991 Hunters Rd, Sylvania, GA 30467

Proposed water: Community
Proposed sewer: Septic

Total acreage of property: 10.24
Acreage to be divided: 5.72
Number of Lots Proposed: 18

Current Zoning: AR-2
Proposed Zoning: R1
Tax map – Block – Parcel No: 03D0 0010 8

Are any variances requested? Yes
If so, please describe: We are asking for a variance of 7.11 and 7.31 due to the lot being bound by a subdivision on the northeast side; the southeast and southwest are bordered by private property with homes and wetlands. The variance request is for a road extension.

The undersigned (applicant) (owner), hereby acknowledges that the information contained herein is true and complete to the best of its knowledge.

This _____ day of January, 2022
Notary

11/16/23

Schel Paulik
Applicant

EFFINGHAM COUNTY
SKETCH PLAN CHECKLIST

OFFICIAL USE ONLY

Subdivision Name: __________________________ Project Number: __________________________
Date Received: __________ Date Reviewed: __________ Reviewed by: __________________________

The following checklist is designed to inform applicants of the requirements for preparing sketch plans for review by Effingham County. Applicants should check off items to confirm that it is included as part of the submission. CHECKLIST ITEMS OMITTED CAN RESULT IN THE APPLICATION BEING FOUND INCOMPLETE AND THEREFORE DELAY CONSIDERATION BY THE BOARD. This checklist must be submitted with the application.

Office Use

| Applicant Use | Schelp Paulk, Paulk Properties, Inc. for "Primrose Place" |

(a) Project Information:

1. Proposed name of development.
2. Names, addresses and telephone numbers of owner and applicant.
3. Name, address and telephone number of person or firm who prepared the plans.
4. Graphic scale (approximately 1"=100') and north arrow. Attached
5. Location map (approximately 1" = 1000'). Attached
6. Date of preparation and revision dates.
7. Acreage to be subdivided.

(b) Existing Conditions:

1. Location of all property lines.
2. Existing easements, covenants, reservations, and right-of-ways. (none)
3. Buildings and structures. (none)
4. Sidewalks, streets, alleys, driveways, parking areas, etc. (none)
5. Existing utilities including water, sewer, electric, wells and septic tanks. (none)
6. Natural or man-made watercourses and bodies of water and wetlands. Attached
7. Limits of floodplain. Attached
8. Existing topography. Attached
10. Level Three Soil Survey (if septic systems are to be used for wastewater treatment). Attached

(c) Proposed Features:

1. Layout of all proposed lots. Attached
2. Proposed new sidewalks, streets, alleys, driveways, parking areas, etc (to include proposed street/road names) → "Ruby Lane" Attached
3. Proposed zoning and land use.
4. Existing buildings and structures to remain or be removed. (none)
5. Existing sidewalks, streets, driveways, parking areas, etc., to remain or be removed. (none)
6. Proposed retention/detention facilities and storm-water master plan. Attached

Page 2 of 3

7. Wastewater infrastructure master plan (to include reuse infrastructure if proposed).

8. Water distribution infrastructure master plan.

The undersigned (applicant) (owner), hereby acknowledges that the information contained herein is true and complete to the best of its knowledge.

This 14th day of January, 2022

Notary

[Signature]

Scheel Pauk
Applicant

[Signature]

Owner

[Signature]

11/15/20
January 25, 2022

Mr. Schel Paulk  
P.O. Box 279  
Guyton, GA 31312

Ref: Water Availability

Mr. Paulk,

I am in receipt of your proposed 18-lot Primrose Place project located at 1887 Courthouse Road which is in Effingham County, GA.

This letter is to certify

a. Chatham Water Utility has water availability and can serve the 18-lots for the Primrose Place subdivision by interconnecting the proposed subdivision with our Conifer Crossing water system (Permit #CG1030095), located in Guyton, GA.

b. Chatham Water Utility, LLC Chatham Water Utility can ensure adequate drinking water to serve the above referenced lots

c. Chatham Water Utility, LLC meets and/or exceeds State Regulations for the Conifer Crossing water system located in Guyton, GA

Should you have any questions or concerns, I can be reached at ray@waterga.com or 912-721-5581.

Sincerely,

Ray Harrington  
Vice President of Operations
SETBACK:
FRONT = 50'
SIDE = 15'
REAR = 25'
LOT SIZE = 0.50 ACRES
SEPTIC DRAIN FIELD - 50 X 100'

DATE: DECEMBER 23, 2021
By: Warren E. Poythress
Registered Land Surveyor No. 1953
Address: 991 Hunters Road
Sylvania, Georgia 30467
Cell Phone: 912-531-1453
Telephone: 912-857-3988
Equipment: Sokko GRS2 - GPS Topcon 303

Skel Pythress, Paulk Properties, Inc.; "Pinnacle Place"
Staff Report

Subject: Rezoning (Fourth District)  
Author: Teresa Concannon, AICP, Planning & Zoning Manager  
Department: Development Services  
Meeting Date: February 14, 2022

Item Description: F. Lamar Allen requests to rezone 0.49 acres from AR-2 to AR-1 to allow for the combination of adjacent parcels. Located on Courthouse Road. Map# 390A Parcel # 5A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 0.49 acres from AR-2 to AR-1 to allow for the combination of adjacent parcels.

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.
- The applicant wishes to combine the parcel with adjacent parcel 390-1, in order to enter the totality in to the CUVA program.
- 390A-5 is a parcel in the Clyde Road subdivision, which was approved on October 6, 2020.
- The applicant then received approval for a final plat revision, which separated the 0.49 acres from lot 5, on August 17, 2021. The plat noted that parcel 6 was to be added to 390-1, which is AR-1.
- The applicant is now requesting to rezone the 0.49 acres to AR-1 to complete the recombination.

Alternatives
1. Approve request to rezone .49 acres from AR-2 to AR-1.  
2. Deny the request to rezone .49 acres from AR-2 to AR-1.

Recommended Alternative: 1

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Rezoning application  
2. Ownership certificate  
3. Deed  
4. Aerial photograph
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL_______  DISAPPROVAL_____

Of the rezoning request by applicant F. Lamar Allen – (Map # 390A Parcel# 5A) from AR-2 to AR-1 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 01/12/2022

Applicant/Agent:  F. Lamar Allen

Applicant Email Address: 5457 Hwy 119 N Clyo, GA 31303

Phone #: 912-656-7731

Applicant Mailing Address: 321 Lakeview Dr Clyo, GA 31303

City: Clyo State: GA Zip Code: 31303

Property Owner, if different from above: Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known):

Phone #

Owner’s Mailing Address:

City: State: Zip Code:

Property Location: Courthouse Road

Proposed Road Access:


Tax Map-Parcel # 390A-05A Total Acres: 0.49 Acres to be Rezoned: 0.49

Lot Characteristics:

WATER No well

SEWER No Sewer

Private Well

Private Septic System

Public Water System

Public Sewer System

If public, name of supplier:

Justification for Rezoning Amendment: The 0.49 was purchased next to 0.49 which is AR-1 and is in CUM. List the zoning of the other property in the vicinity of the property you wish to rezone:

North South East AR-1 West AR-1

Rev 05052021
1. Describe the current use of the property you wish to rezone.

Property is only 0.49 acres & was purchased to add to existing property. The 0.49 acres is between courthouse & our property. Seller had no use for this small acreage & it provided public access to me.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

No. Too small of acreage for any usable property.

3. Describe the use that you propose to make of the land after rezoning.

The 0.49 acres will be added to my existing property of 96.5 acres. This will close the narrow strip of land & my property.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

The existing property is timber land.

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

The current property of 0.49 acres is of little or no use due to size. By rezoning, it will allow to be combined with existing property.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No.

Applicant Signature:  

Date 1/12/2020

Rev 05052021
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

December 29, 2021, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2753 page 692.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ____________________________

Print Name ________________________________

Owner’s signature ____________________________

Print Name ________________________________

Owner’s signature ____________________________

Print Name ________________________________

Sworn and subscribed before me this 13 day of Jan, 2022.

Notary Public, State of Georgia

Rev 05052021
QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 29th day of December, 2021 between JAG OF EFFINGHAM COUNTY, LLC, a Limited Liability Company organized and existing under the Laws of the State of Georgia, of the FIRST PART, and P. LAMAR ALLEN of the SECOND PART,

WITNESSETH: FIRST PARTY, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, does hereby bargain, sell, and by these presents renounce, release, and forever QUITCLAIM to the SECOND PARTY, his heirs, executors, administrators and assigns, all the right, title, interest, claim, options and demands, which the said FIRST PARTY has or may have in and to the following real estate, to-wit:

ALL that certain tract or parcel of land situate, lying and being in the 11th G.M. District of Effingham County, Georgia, containing Ninety-Six and Forty-Two hundredths (96.42) acres, more or less, and being designated as Parcel One (1) as shown on the plat thereof hereinafter referred to, Said parcel of land being bounded on the North by lands of John Charles Unlimited, LLC; on the East-Southeast by Parcel Two (2), being lands of Thomas G. Allen and by lands of Shirley B. Palmer Estate; on the South by lands of Nettles, by lands of Newton and by lots of Paulk; on the West-Northwest by Courthouse Road.

Express reference is hereby made to the plat of said lands made by Warren E. Poitress, R.L.S. #1953, dated November 28, 2021 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Book 29, Page 230, for better determining the metes and bounds of said lands herein conveyed.

SUBJECT, to restrictive covenants and easements of record.

SCRIVENER HAS NOT EXAMINED TITLE AND DOES NOT CERTIFY SAME.

TO HAVE AND TO HOLD the said described real estate to the said SECOND PARTY so that neither the FIRST PARTY nor its successors or assigns, nor any person claiming under them shall at any time, by any means, have claim or demand or right or title to the aforesaid real estate or appurtenances, or right thereof.

IN WITNESS WHEREOF, FIRST PARTY has caused this QUITCLAIM deed to be duly executed by its appropriate officers therefor duly authorized, its corporate seal affixed and delivered these presents the day and year first above written.

JAG OF EFFINGHAM COUNTY, LLC

By: [SEAL]
P. LAMAR ALLEN, Managing Member

By: [SEAL]
BETTY A. SKIES, Managing Member

By: [SEAL]
THOMAS G. ALLEN, Managing Member

Signed, sealed and delivered
In the presence of:

[Seal]
Official Witness - Noary Public

https://search.gsccca.org/imaging/HTML5viewer.aspx?id=80322556&key1=7583&key2=681&county=51&countyname=EFFINGHAM&userid=725673&appid=4
Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the GSDMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

S. D. CLYDE SUBDIVISION

LOCA TED IN THE 10TH G. M. D., EFFINGHAM COUNTY, GEORGIA

DATE: JULY 18, 2010
By Warren E. Poitress
Registered Land Surveyor No. 1953
Address: 981 Nixa Road
Sylvia, Georgia 31967
Cell Phone: 912-631-1153
Telephone: 912-887-9028
Equipment: Sistem GIS - GPS Topcon 303

FINAL PLAT APPROVAL:

TREES BUFFER:
A 5' tree buffer for any trees 1" and greater along the law and rear lot lines.

FINAL PLAT APPROVAL:
The subdivision known as S. D. CLYDE SUBDIVISION was surveyed to comply with the Effingham County Subdivision Regulations and was approved by the Effingham County Board of Commissioners. A copy of the plat and minutes of the Clerk of Superior Court of Effingham County may be inspected at the Effingham County Courthouse.

10/10/2012

CLERK OF EFFINGHAM COUNTY

SETBACK COURTHOUSE ROAD FRONT - 50'
SETBACK CLYDE ROAD FRONT - 30'
SIDE SETBACK - 15'
REAR SETBACK - 25'

100 0 100 200 300

GRAPHIC SCALE - FEET
SURVEYOR'S CERTIFICATION

As required by subsection(s) of C.C.A. Section 15.6-5, this plot has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or use of any parcel. Furthermore, the undersigned land surveyor certifies that this plot complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in C.C.A. Section 15.6-57.

Warren E. Paytherss, Registered Land Surveyor, No. 1953
Date: 7/30/01

PROPERTY SURVEY
FOR
HERSCHEL PAULK JR.

LOCATION PARCEL 5, S. D. CLYDE SUBDIVISION, 10TH G. M. D., EFFINGHAM COUNTY, GEORGIA
AGENDA ITEMS 9, 10, & 11 HAVE BEEN REMOVED. THEY ARE NOW SCHEDULED TO BE HEARD AT THE MARCH 21, 2022 PLANNING BOARD MEETING.
AGENDA ITEMS 12 & 13 HAVE BEEN REMOVED. THEY ARE NOW SCHEDULED TO BE HEARD AT THE MARCH 21, 2022 PLANNING BOARD MEETING.
Staff Report

Subject: Variance (Fifth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022

Item Description: Wesley R. Neurath requests a variance from section 6.2.12.1, to waive the restriction that a private, unpaved road may serve no more than three lots. Located on Nellie Road, zoned AR-1, proposed zoning AR-2. Map# 461 Parcel# 27

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a variance to waive the restriction that a private, unpaved road may serve no more than three lots.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
  
  That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and

  That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- The division of this parcel will create a 4th lot being served by a private, unpaved road.
- The applicant is unable to relocate the proposed easement to the opposite side of the lot due to the presence of wetlands. In addition, placement of the easement further to the interior of the lot would reduce buildable area, and make the lot undevelopable.

Alternatives
1. Approve the request for a variance from section 6.2.12.1, to waive the restriction that a private, unpaved road may serve no more than three lots.
2. Deny the request for a variance from section 6.2.12.1.

Recommended Alternative: 1
Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A

Attachments:
1. Variance application
2. Ownership Certification
3. Deed
4. Aerial photography
ATTACHMENT A - VARIANCE APPLICATION

Application Date: 01/06/2022

Applicant/Agent: Wesley R. Neurath

Applicant Email Address: wvneurath@windstream.net

Phone # 912-667-8558

Applicant Mailing Address: 161 Nellie Road

City: Rincon State: GA Zip Code: 31326

Property Owner, if different from above: Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known): 

Phone # 

Owner’s Mailing Address: SBA

City: State: Zip Code: 

Property Location: 

Name of Development/Subdivision: 

Present Zoning of Property Tax Map-Parcel #461-27 Total Acres 5.5

VARIANCE REQUESTED (provide relevant section of code): 

Describe why variance is needed: Creating home site for son. Easement currently serves 3 parcels

How does request meet criteria of Section 7.1.8 (see Attachment C): 

Applicant Signature: Wesley R. Neurath Date 01-06-2022

Rev 05052021
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 9/28/2001, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 752 page 064.

I hereby certify that I am the owner of the property being proposed for Variance approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ________________________________
Print Name ________________________________

Owner’s signature ________________________________
Print Name ________________________________

Owner’s signature ________________________________
Print Name ________________________________

Sworn and subscribed before me this 16th day of January, 2022.

[Signature]
Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 21st day of September, 2001, between LU NEIL E. NEURATH of the FIRST PART, and WESLEY R. NEURATH and VICTORIA S. NEURATH of the SECOND PART,

WITNESSETH, That the said part of the FIRST PARTY, for and in consideration of the natural love and affection she has for her son and daughter-in-law, the said SECOND PARTIES herein, has granted, given, conveyed and confirmed and by these presents does grant, give, convey and confirm unto the said parties of the SECOND PART, their heirs and assigns, all of the following described property, to-wit:

ALL that certain tract or parcel of land situate, lying and being in the 9th G.M. District of Effingham County, Georgia, containing Eleven and One-half (11 1/2) acres, more or less, and being bounded on the north by Olin O. Dominy, by lands of Turner and by Tract 1; on the east by Tract 2 and by lands of Olan C. Edley; on the southeast by County Road #227 and on the west by the Rincon Stillwell Road.

Express reference is hereby made to the plat of said lands made by Harold R. Johnson, R.L.S. #1137 dated August 31, 2001 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet B, Slide 145-A, for better determining the metes and bounds of said lands herein conveyed.

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members and appurtenances therunto appertaining to the only proper use, benefit and be hoof of the said parties of the SECOND PART, their heirs, executors, administrators and assigns, in FEE-SIMPLE.

IN WITNESS WHEREOF, the said party of the FIRST PART has hereunto set her hand, affixed her seal, and delivered these presents, the day and year first above written.

[Signature]
LU NEIL E. NEURATH (Seal)

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public
Date: 9-28-01
NOTE: SUBJECT PROPERTY IS A DIVISION OF MAP & PARCEL 0461 0027 OF THE EFFINGHAM COUNTY TAX ASSESSOR'S FILE.

N/F W. TURNER 12-W 240.04' CMF 04510026000 LAURA MORGAN
S-89 52' 119.38' S-5' 34' 10-W 04610022 ANDERSON EXLEY
S-70 31.46E 04610027 2.01 AC.
N-F GEORGE DELOACH N-89 17 26E PARCEL 2
S-70 31.46E 04610027 2.50 AC.
MILL POND ROAD CR-124 PARCEL 1
S-76 17 40-W 407.68' N/F OLIN O. DOMINY 3.00 AC.
N-89 17 26-E 04610028 04610025
N/F N/F

MINOR SUBDIVISION OF FAMILY PROPERTY FOR FAMILY MEMBER

1/2'' PIPE FOUND

VOCATION MAP

NOT TO SCALE

SURVEY FOR WESLEY R. NEURATH SURVEY TO DIVIDE MAP & PARCEL 04610027 INTO 2 PARCELS LOCATED IN THE 9TH. C.M.D. EFFINGHAM COUNTY, GEORGIA SURVEYED 22 DEC 2021 PLAT DRAWN 27 DEC 2021

REFERENCES:
PCAB 2143 A
PCAB 08 D-2
PCAB 03 E-1
PCAB 422 D

NOTE: BASED UPON REVIEW OF THE F.E.M.A. FLOOD INSURANCE RATE MAP, EFFINGHAM COUNTY, GEORGIA, REFERRING TO THE CURRENT EFFECTIVE SPECIAL FLOOD HAZARD AREA (SFHA) DATED 3/16/2015. THIS PROPERTY IS LOCATED IN "ZONE X", OUTSIDE THE 500 YEAR FLOODPLANE.
Staff Report

Subject: Rezoning (Fifth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: February 14, 2022

Item Description: Wesley R. Neurath requests to rezone 5.5 acres from AR-1 to AR-2, to allow for the creation of a home site. Located on Nellie Road. Map# 461 Parcel# 27

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5.5 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 divide the 5.5-acre property in order to create a home site for a family member.
- Since neither proposed lot meets the 5-acre minimum for a conforming AR-1 lot, the entire 5.5 acres must be rezoned.

Alternatives
1. Approve the request to rezone 5.5 acres from AR-1 to AR-2, with the following conditions:
   1. A variance from section 6.2.12.1, to waive the restriction that a private, unpaved road may serve no more than three lots has been approved by the Board of Commissioners.
   2. The lots shall meet the requirements of the AR-2 zoning district.
   3. Minor subdivision plat must be approved by the Health Department and Development Services, and be recorded before the rezoning can take effect.

2. Deny the request to rezone 5.5 acres from AR-1 to AR-2.

Recommended Alternative: 1
Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A

Attachments:
1. Rezoning application
2. Ownership certificate
3. Deed
4. Aerial photograph
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ____  DISAPPROVAL ____

Of the rezoning request by applicant Wesley R. Neurath – (Map # 461 Parcel# 27) from AR-1 to AR-2 zoning.

Yes  No  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No  4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes  No  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – February 14, 2022
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 1-6-22

Applicant/Agent: Wesley R. Neurath

Applicant Email Address: WVNeurath@windstream.net

Phone # 912-667-8558

Applicant Mailing Address: 141 Nellie Road

City: Rincon State: GA Zip Code: 31326

Property Owner, if different from above: Include Signed & Notarized Authorization of Property Owner

Owner’s Email Address (if known):

Phone #

Owner’s Mailing Address:

City: ______________________ State: ________ Zip Code: _________

Property Location: Nellie Road

Proposed Road Access: Nellie Road

Present Zoning of Property: 5-50 AR-1 Proposed Zoning: 3-00 AR-2

Tax Map-Parcel #: 401-27 Total Acres: 5.50 Acres to be Rezoned: 3.55

Lot Characteristics:

WATER

☑ Private Well

Public Water System

SEWER

☑ Private Septic System

Public Sewer System

If public, name of supplier:

Justification for Rezoning Amendment: Land gift to Son

List the zoning of the other property in the vicinity of the property you wish to rezone:

North ________ South ________ East ________ West ________
1. Describe the current use of the property you wish to rezone.

   wooded area, unused

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   livable, taxable land

3. Describe the use that you propose to make of the land after rezoning.

   home dwelling

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   wooded area

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

   possible neighbors

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

   none

Applicant Signature:  

Date 01-06-2022
ATTACHMENT B - OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

9/28/2001

on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 759 page 026.

I hereby certify that I am the owner of the property being proposed for Rezoning Amendment Approval, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ____________________________  
Wesley R Neurath

Print Name ____________________________
Wesley R Neurath

Owner’s signature ____________________________

Print Name ____________________________

Owner’s signature ____________________________

Print Name ____________________________

Sworn and subscribed before me this 16th day of January, 2020.

Kathleen Erin Dunnigan
Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA

COUNTY OF EFINGHAM

THIS INDENTURE, Made the 22nd day of September, 2001, between LU NEIL E. NEURATH of the FIRST PART, and WESLEY R. NEURATH and VICTORIA S. NEURATH of the SECOND PART,

WITNESSETH, That the said part of the FIRST PARTY, for and in consideration of the natural love and affection she has for her son and daughter-in-law, the said SECOND PARTIES herein, has granted, given, conveyed and confirmed and by these presents does grant, give, convey and confirm unto the said parties of the SECOND PART, their heirs and assigns, all of the following described property, to-wit:

ALL that certain tract or parcel of land situate, lying and being in the 9th GM. District of Effingham County, Georgia, containing Eleven and One-half (11 ½) acres, more or less, and being bounded on the north by Olin O. Dominy, by lands of Turner and by Tract 1; on the east by Tract 2 and by lands of Olan C. Exley; on the southeast by County Road #227 and on the west by the Rincon Hill Road.

Express reference is hereby made to the plat of said lands made by Harold R. Johnson, R.R.S. #1137 dated August 31, 2001 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet B, Slide 445-A, for better determining the metes and bounds of said lands herein conveyed.

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members and appurtenances thereunto appertaining to the only proper use, benefit and be use of the said parties of the SECOND PART, their heirs, executors, administrators and assigns, in FEASE-SIMPLE.

IN WITNESS WHEREOF, the said party of the FIRST PART has hereunto set her hand, affixed her seal, and delivered these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Lu Neil E. Neurath (SEAL)

Unofficial Witness

R. Edward Reddick Jr.
Notary Public
Date: 9-28-01
Staff Report

Subject: Amendment to Article II - Definitions; Article V - Uses Permitted in Districts, Sections 5.6. R-3 Multifamily; 5.8. R-6 Single Family Residential; 5.9. B-1 Neighborhood Commercial; 5.10. B-2 General Commercial; and 5.11. B-3 Highway Commercial.

Author: Teresa Concannon, AICP, Planning & Zoning Manager

Department: Development Services

Meeting Date: February 14, 2022

Item Description: Consideration to amend Article II - Definitions; Article V - Uses Permitted in Districts, Sections 5.6. R-3 Multifamily Residential; 5.8. R-6 Single Family Residential; 5.9. B-1 Neighborhood Commercial; 5.10. B-2 General Commercial; and 5.11. B-3 Highway Commercial.

Summary Recommendation: In order to accommodate development proposals while promoting growth that is orderly and predictable, with the least amount of disturbance to landowners and to the citizens of the county, staff recommends approval of the revised Definitions, R-3, R-6, B-1, B-2, and B-3 zoning districts.

Executive Summary/Background:

- The revisions include an update and expansion of Zoning Ordinance definitions, to clarify the county’s interest in promoting growth that is orderly and predictable, with the least amount of disturbance to landowners and to the citizens of the county:
  - Clarify open space, multifamily, and mixed use residential definitions.
- Expanded information and guidance for development in the R-3 zoning district:
  - Maximum density reduced from 12 to 9 units per acre,
  - Specific open space requirements per unit, and increased guidance on open space calculations.
- Expanded guidance for development in the R-6 zoning district:
  - Maximum density reduced from 6 to 4.5 units per acre,
  - Increase in minimum lot size from 6,600 sf (.15ac) to 8,500 sf (.19ac)
  - Reduction in open space requirement from 20% to 10%, and a reference to the new common open space definition which excludes ponds, lakes, and buffers if not usable by residents for recreation purposes.
- Revision of permitted uses in B-1, B-2, and B-3 zoning districts to clarify intent regarding residential/commercial development; maximum density of 12 units per acre established for mixed use.
- Expansion of lot and building requirements for multifamily development in B-2 zoning district.
- Removal of warehouse operations and freight terminals as conditional uses in B-3.

Alternatives for Commission to Consider

1 – Approve an amendment to Article II – Definitions; Article V - Uses Permitted in Districts, Sections 5.6. R-3 Multifamily Residential; 5.8. R-6 Single Family Residential; 5.9. B-1 Neighborhood Commercial; 5.10. B-2 General Commercial; and 5.11. B-3 Highway Commercial.

2 – Take no action.

Recommended Alternative: 1

Other Alternatives: N/A

Department Review: Development Services

Funding Source: N/A

Attachments:

1. Proposed ordinance revisions: V7 Multi-family and high-density residential
ARTICLE II. - DEFINITIONS

2.21.1 Common outdoor open space. Areas accessible from all parts of the development. Common open space can include passive or active recreation area, pathways, swimming pools, and open areas for congregating. *Ponds and lakes may be used for up to 50 percent of required common open space. Ponds, lakes, buffers or other spaces that are not usable by the residents of a development for recreational purposes shall not be included in common outdoor open space.*

2.25 Dwelling. A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long-term basis.

2.25.1 Condominium. A building or series of buildings on the same lot or portions thereof containing more than one dwelling unit under separate ownership with joint ownership of common open spaces.

2.25.2 Duplex. A residential building designed for, or used as, the separate homes or residences of two separate and distinct families, but having the appearance of a single-family dwelling unit. Each individual unit in the duplex shall comply with the definition of single-family detached dwelling.

2.25.3 Single-family detached dwelling. A building or structure designed for and occupied as a residence exclusively by one family.

2.25.4 Site-built single-family detached dwelling. A single-family detached dwelling constructed on the building site from basic materials delivered to the site and constructed in accordance with all requirements of the building codes as adopted by the county.

2.25.5 Class A single-family detached dwelling. A site-built single-family detached dwelling, a one-family manufactured home, or a one-family industrialized home that meets or exceeds the compatibility standards for single-family dwellings under article III of the Housing Ordinance of Effingham County, Georgia.

2.25.6 Class B single-family detached dwelling. A site-built single-family detached dwelling, a one-family manufactured home, or a one-family industrialized home that does not meet the compatibility standards for single-family dwellings under article III of the Housing Ordinance of Effingham County, Georgia.

2.25.7 Garden Apartment. Three or more attached dwelling units in a two- or three-story building.

2.25.8 Multifamily. A building designed for or occupied by three or more families.

2.25.9 Mixed-Use Residential. The mixing of principal residential uses with non-residential uses. Mixed use residential may occur by the following:

a. Non-residential and multifamily in the same building (e.g., retail on ground floor, multifamily above), or
b. Multifamily and another primary non-residential use located in different buildings sited on the same lot or parcel (e.g., multifamily located on the same parcel as an office building).

c. Both options shall be designed, located, and oriented on the site so that non-residential uses are directly accessible to residents of the development. For the purposes of this section, "directly accessible" shall mean pedestrian access by way of improved sidewalks or paths and streets that do not involve leaving the development or using a major thoroughfare. "Directly accessible" does not necessarily mean that non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the development to the non-residential use. Parking areas shall be designed to minimize distances between uses.

ARTICLE III. - GENERAL PROVISIONS

5.6 - R-3 Multifamily residential districts.

5.6.1 Permitted uses.

5.6.1.1 All permitted uses in the R-1 single-family residential district and R-2 two-family residential district.

5.6.1.2 Multiple-family dwellings, roominghouses, fraternities, sororities, and dormitories.

5.6.1.3 Government-owned utilities, except publicly-owned treatment plants permitted by the State of Georgia and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities must be enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.

5.6.1.3 Customary accessory buildings incidental to the above permitted uses.

5.6.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.c in the multifamily residential (R-3) district on a conditional basis upon approval of the county commission after review by the planning board.

5.6.2.1 Clubs and private recreational facilities.

5.6.2.2 Nursing homes.

5.6.2.3 Day care facilities.

5.6.3 Lot and building requirements.

**Principal buildings.** Garden apartment or townhouse.

<table>
<thead>
<tr>
<th>Living-units</th>
<th>Density (applicable to single family and multifamily)</th>
<th>Maximum 12-9 per acre [EA3]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width at building line</td>
<td>150 feet</td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Minimum setback from public street</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum front yard</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum rear yard</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum side yard (interior)</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Minimum side yard (street)</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum percent of [lot coverage]</td>
<td>40 percent</td>
<td></td>
</tr>
</tbody>
</table>

5.6.4 Amenity requirements.

5.6.4.1 All multi-family residential projects must provide 150 square feet of on-site common outdoor open space per multi-family dwelling unit or 15% of net usable area as common outdoor open space, whichever is greater. Open space calculations must be on the subdivision plat. Common outdoor open space shall be intentionally designed as such and landscaped courtyards, shared decks, gardens with pathways, children’s play areas, pools, water features, multipurpose recreational or green spaces to which all residents have access, as defined by Article II, definitions. The following requirements apply to common outdoor open space:

a. The required setback areas may count toward the open space requirement if it is integrated into a common open space amenity.

b. Common outdoor open space shall feature paths or walkable areas, landscaping, seating, lighting and other amenities to make the area more functional and enjoyable for a range of users, taking into consideration potential noise issues due to the configuration of the site.

c. Common outdoor open space shall generally be designed so it is oriented at the front of dwelling units and/or community building(s).
d. 10% of common open space shall be greenspace. The implementation of a conservation easement is encouraged.

5.6.4.2 A maintenance association, homeowners association, condominium association or some other entity acceptable to the County Administration must be created to maintain all amenities and common areas in good condition.

5.8 - R-6 Single-family residential district (six and a half (4.5) dwellings per acre).

[5.8.1] Where applicable.

This zoning district will only be allowed if municipal or county water and sewer service is adjacent to the parcel and capacity is available or a state permitted, privately owned community water and sewer system is constructed or available.

[5.8.2] Required utilities.

All properties in the R-6 zoning district shall be connected to water and sewer systems. No individual septic systems shall be permitted.


Six and a half (4.5) dwelling units per acre.

[5.8.4] Permitted uses.

Site-built and Class A single-family detached dwellings.

Unlighted regulation size, or par three golf courses, consisting of nine holes or more, including normal clubhouses and pro shop activities, and other business activity associated with country clubs.

Home occupations and residential business, as provided in Article III, sections 3.15 and 3.15A.

Government owned utilities, except publicly owned treatment plants permitted by the State of Georgia and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities must be enclosed by a painted or chain link fence or wall at least six feet in height above the finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.

Parks, recreational areas, playgrounds, public or private swimming pools.

Libraries or museums.

[5.8.5] Conditional uses.
The following uses may be permitted in accordance with the provisions of section 7.1.6 in the single-family residential (R-6) district on a conditional basis upon approval by the county commission after review by the planning board.

Churches, synagogues, mosques, temples, or other places of worship provided that:

Such use is housed in a permanent structure;

No structure on the lot is closer than 25 feet to any abutting residential property line.

Public and private school engaged in teaching general curriculum for educational advancement, provided the structure are placed not less than 50 feet from any residential property line. Such schools shall be day schools only and have no rooms regularly used for housing or sleeping purposes.

Public utilities substation or subinstallation including water towers provided that:

1. Such use is enclosed by a painted or chain link fence or wall at least six feet in height above finished grade;
2. There is neither office nor commercial operation nor storage of vehicles or equipment on the premises;
3. A landscaped strip not less than five feet in width is planted and suitably maintained around the facility.

Day care facilities.

Nursing homes

[5.8.6] Lot and building requirements.

<table>
<thead>
<tr>
<th>Lot size:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
</tr>
<tr>
<td><strong>Width</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle buildings:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum height</strong></td>
</tr>
<tr>
<td><strong>Minimum front setback</strong></td>
</tr>
</tbody>
</table>

Stairs (but not porches) may encroach up to five feet into front yard setback
<table>
<thead>
<tr>
<th>Maximum front setback</th>
<th>The average of the <strong>house</strong> on either side or 20 feet, whichever is less.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side setback</td>
<td>7.5 feet (or 3 feet provided minimum building separation of 15 feet is maintained)</td>
</tr>
<tr>
<td>(interior)</td>
<td></td>
</tr>
<tr>
<td>Minimum side setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>(street)</td>
<td></td>
</tr>
<tr>
<td>Minimum rear setback</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>45%</td>
</tr>
</tbody>
</table>

**Accessory buildings:**

<table>
<thead>
<tr>
<th>Maximum height</th>
<th>20 feet and not to exceed the height of the principle building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rear and side</td>
<td>5 feet</td>
</tr>
<tr>
<td>setback</td>
<td></td>
</tr>
<tr>
<td>Lot coverage</td>
<td>15%</td>
</tr>
</tbody>
</table>

**All building setbacks shall be show on final plat**

**[5.8.7] Open space requirements.**

All developments in the R-6 zoning district must provide **20-15** percent of total acreage as common **outdoor** open space. Open space calculations must be on the subdivision plat. Common **outdoor** open space shall mean areas accessible to all residents of the development. Common **outdoor** open space can include passive or active recreation areas, pathways, swimming pools, and open areas for congregating, per Article II definition. Ponds and lakes may be used for up to 50 percent of required open space. Wetlands may be used for up to 10 percent of open space. **10% of common open space shall be greenspace. The implementation of a conservation easement is strongly encouraged.**
A homeowners association or some other entity acceptable to the administrator must be created to maintain the amenities and open space in good condition.

[5.8.8] Sidewalk requirement.

Streets in the R-6 zoning district shall have sidewalks on any side of any street that contains houses. A tree no less than two inches dbh must be planted at a rate of one for every two houses between the sidewalk and the street.

[5.8.9] Parking requirements.

Two off-street parking spaces shall be provided for each single-family dwelling. These spaces can be in a garage, carport, or driveway accessed from the front or rear of the parcel.

5.9 - B-1 Neighborhood commercial districts.

5.9.1 Permitted uses.

This district is designed for small scale retail and service businesses that primarily cater to the surrounding residential neighborhoods.

Personal and professional services (including clinics and studios).

Cafes, and restaurants.

Private clubs, lodges, community centers.

Dry cleaning outlets.

Convenience stores (retail) without gas pumps.

Child care centers.

Libraries.

Residential-units above commercial-units, Mixed use residential

Site-built single-family detached buildings.

Government-owned utilities.

Bed and breakfast lodging facility.
5.9.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.6 in the neighborhood commercial (B-1) district on a conditional basis upon approval of the board of commissioners after review by the planning board.

Plant gardens and outdoor nurseries.

Automated bank tellers.

Cemeteries.

Drive through.

Offices.

Mobile offices.

Churches.

Schools.

Self-storage mini storage facilities. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

5.9.3 Prohibited uses.

Mobile homes.

Gas stations.

Automotive sales, service, and/or storage.

Warehouses including mini-warehouses.

Veterinary clinics and kennels.

5.9.4 Lot and building requirements.
<table>
<thead>
<tr>
<th>Minimum lot area (public water and sewer)</th>
<th>Must meet minimum site design requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area (public water only)</td>
<td>Must meet health department requirements</td>
</tr>
<tr>
<td>Minimum lot area (private water and sewer)</td>
<td>Must meet health department requirements</td>
</tr>
<tr>
<td>Minimum lot width at building line</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum rear setback</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum side setback (interior)</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum side setback (street)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
</tr>
<tr>
<td><strong>Maximum density for Mixed-Use Residential</strong></td>
<td><strong>12 dwelling units/acre</strong></td>
</tr>
</tbody>
</table>

**5.10 - B-2 General commercial districts.**

**5.10.1 Permitted uses.**

All uses permitted or conditional in B-1 except single-family detached buildings.

Fast food and all other restaurants, hotels, motels, and accessory structures.

Retail businesses.

Indoor entertainment facilities.

Offices and banks.

Libraries and public buildings.

**Multifamily units up to 12 units per acre Mixed-Use Residential**

Bus stations.
Movie theaters.

Bed and breakfast lodging facility.

5.10.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.6 in the general commercial (B-2) district on a conditional basis upon approval by the county commission after review by the planning board.

Wholesale operations.

Commercial parking areas.

Funeral homes.

Telecommunications towers.

Crematoriums.

Automobile service.

Mobile offices.

Museums.

Schools.

Churches.

Hospitals.

Nursing homes.

Cemeteries.

Private and public events venue. Any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, concert, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way. This includes locations that are in the business of renting out their location to hold private and public functions.

(1) General operating regulations. The following operating regulations shall be enforced by the permittee:
(a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, Noise Control.

(b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the board of commissioners.

(c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.

(d) Handicapped access shall be provided to activities that are open to the public.

(e) Events and activities shall be accessible to emergency and service vehicles.

(f) Adequate toilet facilities and trash receptacles shall be provided for all events.

(g) The burden of preserving order during the concert or special event is upon the permittee.

(2) Revocation of permit. The board of commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the board of commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

(3) Exemptions. The following special events are exempt from the provisions of this article:

(a) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;

(b) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;

(c) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;
(d) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and

(e) A governmental agency acting within the scope of its agency.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

5.10.3 Prohibited uses.

Automotive sales (excluding storage of junked vehicles).

Warehouses.

Lumberyards, retail.

Motor freight terminals.

Bulk fuel storage.

Single-family detached dwellings.

Mobile homes.

5.10.4 Lot and building requirements. Same as B-1 except 60-foot limit to building height

<p>| Minimum lot area (public water and sewer) | Must meet minimum site design requirements |
| Minimum lot area (public water only)     | Must meet health department requirements |
| Minimum lot area (private water and sewer) | Must meet health department requirements |
| Minimum lot width at building line       | N/A |
| Minimum front setback                    | N/A |</p>
<table>
<thead>
<tr>
<th>Minimum rear setback</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum side setback (interior)</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum side setback (street)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>60 feet</td>
</tr>
<tr>
<td>Maximum density for Mixed-Use Residential</td>
<td>12 dwelling units per acre</td>
</tr>
</tbody>
</table>

### 5.11 - B-3 Highway commercial districts.

#### 5.11.1 Permitted uses.

All uses permitted or conditional in B-1 and B-2 except detached single-family buildings.

Automotive sales, service, and storage.

Wholesale operations.

Lumberyards.

Indoor amusement parks or privately owned recreation facilities.

Hospitals.

Screened outdoor storage.

Nursing homes.

Multifamily housing units [Mixed-Use Residential](#) with a maximum density of 12 units per acre.

Bed and breakfast lodging facility.

#### 5.11.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.6 in the highway commercial (B-3) district on a conditional basis upon approval of the county commission after review by the planning board.

Automotive paint and body shops.
Motor-freight terminals.

Warehouse operations.

Mobile offices.

Outdoor amusement parks or privately owned recreational facilities.

Lumberyard that includes processing. [D66]

Cemeteries.

County jails.

County correctional institutions.

County detention facilities.

Private and public events venue. Any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, concert, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way. This includes locations that are in the business of renting out their location to hold private and public functions.

(1) General operating regulations. The following operating regulations shall be enforced by the permittee:

(a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, Noise Control.

(b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the board of commissioners.

(c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.

(d) Handicapped access shall be provided to activities that are open to the public.

(e) Events and activities shall be accessible to emergency and service vehicles.

(f) Adequate toilet facilities and trash receptacles shall be provided for all events.

(g) The burden of preserving order during the concert or special event is upon the permittee.

(2) Revocation of permit. The board of commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the board of commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion
of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

(3) **Exemptions.** The following special events are exempt from the provisions of this article:

(a) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;

(b) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;

(c) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;

(d) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and

(e) A governmental agency acting within the scope of its agency.

Any use not expressly permitted or prohibited in a commercial district upon approval of the board of commissioners after review by the planning board.

5.11.3 **Prohibited uses.**

Bulk fuel storage.

Mobile homes.

Single-family detached dwellings *(including site-built, Class A or Class B).*

5.11.4 5.10.4 **Lot and building requirements.** Same as B-1 except 60-foot limit to building height.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area (public water and sewer)</td>
<td>Must meet minimum site design requirements</td>
</tr>
<tr>
<td>Minimum lot area (public water only)</td>
<td>Must meet health department requirements</td>
</tr>
<tr>
<td>Minimum lot area (private water and sewer)</td>
<td>Must meet health department requirements</td>
</tr>
<tr>
<td>Minimum lot width at building line</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum rear setback</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum side setback (interior)</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum side setback (street)</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum building height</td>
<td><strong>35-60</strong> feet</td>
</tr>
</tbody>
</table>