**EFFINGHAM COUNTY PLANNING BOARD**  
**FINAL MEETING AGENDA**  
Effingham County Administrative Complex  
Commission Meeting Chambers  
804 S. Laurel Street, Springfield, GA 31329  
April 18, 2022 – 6PM

(Also aired via Zoom) Dial: +1 301 715 8592  
Meeting ID: 813 3598 8234; Passcode: 820424  
https://us06web.zoom.us/j/81335988234?pwd=VEFSSXiTGRWL3NTdGpQNU93ZHlirUT09

---

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>6:09PM</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Invocation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></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></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. Agenda Approval</td>
<td>Consideration to approve the agenda</td>
<td>Approved with item 7 withdrawn</td>
<td></td>
</tr>
<tr>
<td>V. Minutes</td>
<td>Approval of the March 21, 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 a future Board of Commissioners Meeting as a Public Hearing (with the exception of pond and residential business approvals)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

01 Public Hearing  
**Braly Investments** as Agent for the **Estate of Robert North** requests to **rezone 85 (+/-) acres from R-1 to R-6** to allow for the future development of a residential subdivision. Located on Zitrouer Road. *(First District) [Map# 352 Parcel# 79]*

Approved

02 Sketch Plan  
**Braly Investments** as Agent for the **Estate of Robert North** requests approval of a **sketch plan** for “North Tract Subdivision”, a single-family residential development. Located on Zitrouer Road, zoned **R-1**, proposed zoning **R-6. (First District) [Map# 352 Parcel# 79]**

Approved

03 Public Hearing  
**Catalyst Investment Partners, LLC** as Agent for **Ernest J. Oetgen** requests a **variance** to reduce required buffers for an industrial property, to

Denied
<table>
<thead>
<tr>
<th>#</th>
<th>Agenda Item</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>Sketch Plan</td>
<td>Catalyst Investment Partners, LLC as Agent for Ernest J. Oetgen requests approval of a sketch plan for “Stagecoach Industrial Site”. Located on Godley Road, zoned I-1. (First District) [Map# 399 Parcel# 3R]</td>
<td>Denied</td>
</tr>
<tr>
<td>05</td>
<td>Public Hearing</td>
<td>Dee A. Griffin requests to rezone 4.94 acres from AR-1 to AR-2, to allow for the creation of a home site. Located at 384 Zipperer Road. (Second District) [Map# 396 Parcel# 56]</td>
<td>Approved</td>
</tr>
<tr>
<td>06</td>
<td>Public Hearing</td>
<td>Steven Reid as Agent for Paul E. Bruner requests to rezone 8 acres from AR-1 to AR-2, to allow for combination with an adjacent parcel. Located at 205 Pitts Road. (Third District) [Map# 244 Parcel# 9]</td>
<td>Approved</td>
</tr>
<tr>
<td>07</td>
<td>Public Hearing</td>
<td>Katie McGroty Brown requests a variance from the restriction that a rural business may only occupy 1,000 square feet; in order to accommodate equine therapy. Located at 716 Floyd Avenue, zoned AR-1. (Third District) [Map# 296 Parcel# 27]</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>08</td>
<td>Public Hearing</td>
<td>Hubert T. Griner Jr. requests to rezone 3.21 acres from AR-2 to AR-1 to allow for combination with an adjacent parcel. Located at 1360 Highway 17 South. (Third District) [Map# 296 Parcel# 49]</td>
<td>Approved</td>
</tr>
<tr>
<td>09</td>
<td>Public Hearing</td>
<td>James M. Carlson requests to rezone 3(+-) acres from AR-1 to AR-2 to allow for the creation of a 5-lot subdivision. Located at 2077 Highway 119 North. (Third District) [Map# 387 Parcel# 1]</td>
<td>Approved</td>
</tr>
<tr>
<td>10</td>
<td>Public Hearing</td>
<td>Reuben E. Jenkins III requests to rezone 1.05 acres from AR-1 to B-2 to allow for commercial use. Located at 351 Webb Road. (Fourth District) [Map# 389 Parcel# 18]</td>
<td>Approved 4-1</td>
</tr>
<tr>
<td>11</td>
<td>Public Hearing</td>
<td>Gary Ferrell requests a variance to reduce required setbacks, allowing for a replacement accessory structure. Located at 1129 Ralph Rahn Road, zoned R-1. (Fourth District) [Map# 391B Parcel# 2]</td>
<td>Approved 4-1</td>
</tr>
<tr>
<td>12</td>
<td>Public Hearing</td>
<td>K&amp;M Effingham Properties, LLC requests a variance to reduce required buffers for an industrial property, to accommodate a proposed</td>
<td>Approved with additional condition</td>
</tr>
<tr>
<td><strong>13 Sketch Plan</strong></td>
<td>Linda Sims as Agent for <strong>K&amp;M Effingham Properties, I.C.</strong> requests approval of a sketch plan for: &quot;ACTION OVERHEAD DOOR WAREHOUSES.&quot; Located at 1204 Mill Pond Road, zoned I-1. (Fifth District) [Map# 446 Parcel# 7C]</td>
<td>Approved with additional condition</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>14 Sketch Plan</strong></td>
<td>Brett Bennett as Agent for <strong>Greenland Developers, Inc.</strong> requests approval of a sketch plan for: &quot;Goshen Ext. Apartments.&quot; Located off Goshen Commercial Park Drive, zoned B-2. (Fifth District) [Map# 465 Parcels# 2,2A,2B,2C]</td>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td><strong>VIII. Adjournment</strong></td>
<td>8:40PM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Staff Report

Subject: Rezone (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022

Item Description: Braly Investments as Agent for the Estate of Robert North requests to rezone 85 (+/-) acres from R-1 to R-6 to allow for the future development of a residential subdivision. Located on Zittrouer Road. Map# 352 Parcel# 79

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 85 (+/-) acres from R-1 to R-6 to allow for the future development of a residential subdivision, 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.
- Pursuant to Section 5.8 R-6 Single Family Residential District, the zoning district is only allowed if municipal or county water and sewer service is adjacent to the parcel and capacity is available.
- The parcel was rezoned from AR-1 to R-1 on 11/7/2006.
- The applicant wishes to increase the density by reducing lot size from the R-1 minimum of 12,000 sf to 8,500 sf, which requires rezoning to R-6.
- The proposed 97-lot subdivision on Zittrouer Road may be served by Effingham County water and sewer. Information on projected daily volume of wastewater to be generated by the development, and pump station flow tests and other modelling to confirm capacity, has been requested from the design engineer.
- The proposed development will be accessed from two entrances on Zittrouer Road.

Alternatives
1. Approve the request to rezone 85 (+/-) acres from R-1 to R-6 to allow for the future development of a 97-lot residential subdivision, with the following conditions:
   1. Future use of the above-referenced property being rezoned shall meet the requirements of the R-6 zoning district.
   2. Applicant/owner must obtain a Timber Permit prior to removal of trees.
   3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   4. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
2. Deny the request to rezone 85 (+/-) acres from R-1 to R-6.

Recommended Alternative: 1  Other Alternatives: 2
Department Review: Development Services  FUNDING: N/A
2. Ownership certificate/authorization 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 Braly Investments as Agent for the Estate of Robert North – (Map # 352 Parcel # 79) from R-1 to R-6 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 – April 18, 2022
ATTACHMENT A – REZONING AMENDMENT APPLICATION

Application Date: 2/28/2022

Applicant/Agent: Braly-Investors (Brandon Long)

Applicant Email Address: jbrandonlong@gmail.com

Phone #: 2/28/2022

Applicant Mailing Address: PO Box 1655

City: Springfield State: GA Zip Code: 31329

Property Owner, if different from above: Robert M North Jr

Owner’s Email Address (if known):

Phone #

Owner’s Mailing Address: 215 North Ln

City: Rincon State: GA Zip Code: 31326

Property Location: Zittrouer Road

Proposed Road Access: Zittrouer Road

Present Zoning of Property: R-1 Proposed Zoning: R-6

Tax Map-Parcel #: 03520079 Total Acres: 85.81 Acres to be Rezoned: 85.81

Lot Characteristics: wooded, undeveloped

WATER

☐ Private Well

☐ Public Water System

SEWER

☐ Private Septic System

☐ Public Sewer System

If public, name of supplier: Effingham County

Justification for Rezoning Amendment: To achieve highest and best use of the property.

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-1 West AR-1

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

   The property is currently wooded and undeveloped.

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

   It has limited economic use as timber land. It is currently zoned R-1 but not being used for single family residential.

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

   The intent is to utilize the property for R-6 single family residential development on County utilities.

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

   The adjacent properties are AR-1 and mostly used for residential purposes. Subdivisions with similar lot sizes are in the close proximity (1800'). The property has access to County roads, County utilities, and S.R. 30.

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 adjacent properties are used for residential purposes. Subdivisions with similar lot sizes are in the close proximity (1800'). Buffers will be provided for adjacent properties, roadway improvements and County utility extensions will be done to enhance the area.

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?

   Buffers will be provided for adjacent properties, roadway improvements and County utility extensions will be done to provide for the addition of the development. The development will increase traffic, increase families, and increase school children in local schools.

Applicant Signature: [Signature]

Date: 3/2/22
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 1/16/85, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 223, page 168.

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 ________________________________
Steve North for Estate of Robert North

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
AUTHORIZATION OF PROPERTY OWNER

I, ________________________________, 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: _______________ (Brandy Long)

Applicant/Agent Address: _______________ (103 Wilson Circle)

City: _______________ State: GA Zip Code: 31329

Phone: (912) 655-6774 Email: jbrandy1long@gmail.com

Owner's signature: ________________________________

Print Name: Steve North For Estate of Robert North

Personally appeared before me ________________________________ (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 _______ day of March, 2022.

______________________________
Notary Public, State of Georgia

Rev 05052021
FROM: JANETTE C. BAILEY, JOYCE C. MADDOX AND JAMES RALPH CONAWAY, JR.
TO: ROBERT H. NORTH, JR.

STATE OF GEORGIA

COUNTY OF EFFINGHAM

WARRANTY DEED

THIS INDENTURE, made this 16th day of January 1985, between JANETTE C. BAILEY of Muscogee County, Georgia, JOYCE C. MADDOX of Johnson County, Indiana, and JAMES RALPH CONAWAY, JR. of DeKalb County, Georgia, as Parties of the First Part, hereinafter called Grantor, and ROBERT M. NORTH, JR. as Party 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 & no/100 ($10.00) Dollars, and other valuable considerations, 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 situate, lying and being in the 1559th G.M. District, Effingham County, Georgia, being a portion of the James Ralph Conaway Estate containing 83.41 acres, more or less, shown and more particularly described by the map or plan thereof made by Wilder Surveying & Mapping, dated May 10, 1982, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 13, page 175, which is incorporated into this description by specific reference thereto.

This being a portion of the property conveyed by J. Richard Fetzer and Lowell H. Dasher as Co-Executors under the Last Will and Testament of James Ralph Conaway to Janette C. Bailey, Joyce C. Maddox, and James Ralph Conaway, Jr. described in the Amended to Deed of, dated October 30, 1982, recorded in Deed Book 208, page 74, aforesaid records.

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 warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered in the presence of:

JANETTE C. BAILEY (SEAL)

JOYCE C. MADDOX (SEAL)

JAMES RALPH CONAWAY, JR. (SEAL)

Effingham County, Georgia
Real Estate Transfer Tax
Paid $ 6.00
Date 1-23-85

WITNESS

NOTARY PUBLIC
Muscogee County
Commission Expires Apr. 4, 1987
THIS INDENTURE, made this 16th day of January 1985, between JANETTE C. BAILEY of Muscogee County, Georgia, JOYCE C. MADDOX of Johnson County, Indiana, and JAMES RALPH CONAWAY, JR. of Dekalb County, Georgia, as Parties of the First Part, hereinafter called Grantor, and ROBERT H. NORTH, JR. as Party 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 & no/100 ($10.00) Dollars, and other valuable considerations, 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 situate, lying and being in the 1559th C.M. District, Effingham County, Georgia, being a portion of the James Ralph Conaway Estate containing 83.41 acres, more or less, shown and more particularly described by the map or plan thereof made by Wilder Surveying & Mapping, dated May 10, 1982, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 13, Page 175, which is incorporated into this description by specific reference thereto.

This being a portion of the property conveyed by J. Richard Petzer and Lowell H. Dasher as Co-Executors under the Last Will and Testament of James Ralph Conaway to Janette C. Bailey, Joyce C. Maddox, and James Ralph Conaway, Jr. described in the Assent to Devises, dated October 30, 1982, recorded in Deed Book 208, Page 74, aforesaid records.

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 warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year above written.

Signed, sealed and delivered in the presence of:

JANETTE C. BAILEY
JOYCE C. MADDOX
JAMES RALPH CONAWAY, JR.

WITNESS

Recorded January 23, 1985, DEPUTY CLERK
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
   Braly Investments c/o Brandon Long
   Zittrouer Road Guyton, GA 31312
   Pin: 352-79
   Total Acres: 85.81 Acres to be rezoned: 85.81

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 R-1 to R-6. The proposed rezoning request is given final approval based on this parcel being serviced by a public water and sewer system.

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

Sincerely,

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

Subject: Sketch Plan (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: Braly Investments as Agent for the Estate of Robert North requests approval of a sketch plan for "North Tract Subdivision", a single-family residential development. Located on Zittrouer Road, zoned R-1, proposed zoning R-6. Map# 352 Parcel# 79

Summary Recommendation
Staff has reviewed the application, and recommends approval of a sketch plan for "North Tract Subdivision".

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.
- The proposed 97-lot subdivision may be served by county water and sewer. Information on projected daily volume of wastewater to be generated by the development, and pump station flow tests and other modelling to confirm capacity, has been requested from the design engineer.
- The proposed development will have two entrance on Zittrouer Road. Minimum lot size is 0.20 acres (8,500 sf); side setbacks will be 7.5’.
- Proposed density is below the 4.5 unit per acre maximum, due to wetlands. There will be a maximum of 1.14 dwellings per gross acreage (85.81ac total); 1.74 units per net acreage (55.45ac buildable).
- Of 85.81 total acres, 30.36 is undevelopable wetlands. The 55.45 upland area includes slightly more than 15% common open space (8.54ac).
- Proposed parking spaces will be provided in attached garages (1), in driveways (2), as well as at amenity and mail kiosk sites (2C). The development will include a picnic/pavilion area, grassed areas, a playground, and a dog park.
- At the January 14, 2022 pre-application meeting, the ~1,900 linear feet sewer line extension & tie-in to the gravity line at Windfield were discussed. A traffic study will be required, with particular attention to the intersection at Zittrouer Road and Hwy 30.
- If approved, staff will follow-up with a Notice to Proceed summarizing requirements and recommendations.

Alternatives
1. Approve request for a sketch plan for: "North Tract Subdivision".
2. Deny the request of a sketch plan for: "North Tract Subdivision".

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A

EFFINGHAM COUNTY
SKETCH PLAN SUMITTAL FORM

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

Proposed Name of Subdivision North Tract Subdivision

Name of Applicant/Agent Brandon Long Phone 912-754-2329
Company Name Braly Investors
Address PO Box 1655 Springfield GA 31329

Owner of Record Robert M North Jr Phone
Address 215 North Ln Rincon GA 31326

Engineer EMC Engineering Services, Inc. Phone 912-644-3223
Address 27 Chatham Center South, Suite A Savannah GA 31405

Surveyor Phone
Address

Proposed water Effingham County Proposed sewer Effingham County
Total acreage of property 85.81 Acreage to be divided 85.81 Number of Lots Proposed 9.7
Current Zoning R-1 Proposed Zoning R-6 Tax map - Block - Parcel No 03520079

Are any variances requested? N/A If so, please describe:

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

This 2 day of March, 2023

Notary

Applicant

Owner

of Robert North

Page 1 of 3

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.

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Applicant Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(a) Project Information:</strong></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>1. Proposed name of development.</td>
</tr>
<tr>
<td>✓</td>
<td>2. Names, addresses and telephone numbers of owner and applicant.</td>
</tr>
<tr>
<td>✓</td>
<td>3. Name, address and telephone number of person or firm who prepared the plans.</td>
</tr>
<tr>
<td>✓</td>
<td>4. Graphic scale (approximately 1&quot;=100') and north arrow.</td>
</tr>
<tr>
<td>✓</td>
<td>5. Location map (approximately 1&quot; = 1000').</td>
</tr>
<tr>
<td>✓</td>
<td>6. Date of preparation and revision dates</td>
</tr>
<tr>
<td>✓</td>
<td>7. Acres to be subdivided.</td>
</tr>
<tr>
<td><strong>(b) Existing Conditions:</strong></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>1. Location of all property lines.</td>
</tr>
<tr>
<td>✓</td>
<td>2. Existing easements, covenants, reservations, and right-of-ways.</td>
</tr>
<tr>
<td>✓</td>
<td>4. Sidewalks, streets, alleys, driveways, parking areas, etc.</td>
</tr>
<tr>
<td>✓</td>
<td>5. Existing utilities including water, sewer, electric, wells and septic tanks.</td>
</tr>
<tr>
<td>✓</td>
<td>6. Natural or man-made watercourses and bodies of water and wetlands.</td>
</tr>
<tr>
<td>✓</td>
<td>7. Limits of floodplain.</td>
</tr>
<tr>
<td>✓</td>
<td>8. Existing topography.</td>
</tr>
<tr>
<td>✓</td>
<td>10. Level Three Soil Survey (if septic systems are to be used for wastewater treatment).</td>
</tr>
<tr>
<td><strong>(c) Proposed Features:</strong></td>
<td></td>
</tr>
<tr>
<td>✓</td>
<td>1. Layout of all proposed lots.</td>
</tr>
<tr>
<td>✓</td>
<td>2. Proposed new sidewalks, streets, alleys, driveways, parking areas, etc. (to include proposed street/road names).</td>
</tr>
<tr>
<td>✓</td>
<td>3. Proposed zoning and land use.</td>
</tr>
<tr>
<td>✓</td>
<td>4. Existing buildings and structures to remain or be removed.</td>
</tr>
<tr>
<td>✓</td>
<td>5. Existing sidewalks, streets, driveways, parking areas, etc., to remain or be removed.</td>
</tr>
<tr>
<td>✓</td>
<td>6. Proposed retention/detention facilities and storm-water master plan.</td>
</tr>
</tbody>
</table>
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 ___ day of March, 20__

Notary

Applicant
Steve North for Estate of
Owner
Robert North
Staff Report

Subject: Variance (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022

Item Description: Catalyst Investment Partners, LLC as Agent for Ernest J. Oetgen requests a variance from section 3.4 Buffers to reduce required buffers for an industrial property, to accommodate a proposed industrial development. Located on Godley Road, zoned I-1. Map# 399 Parcel# 3R

Summary Recommendation
Staff has reviewed the application, and recommends denial of a request for a variance from section 3.4 to reduce required buffers for an industrial property.

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.

- Container storage yards are a heavy industrial use. 399-3R is surrounded by AR-1 and R-4 zoned property. The required buffer between heavy industrial and AR/R zoning districts is 300’.

- The parcel to the west is zoned R-4. The proposed buffer reduction is from 300’ to 25’. The parcel (399-3T) to the north, south and east is zoned AR-1. The requested buffer reduction is from 300’ to 25’ along the north and south boundary, and from 300’ to 0’ along the east boundary.

- A portion of the land to the east is in Bloomingdale, and is in the R-A-1 zoning district. The purpose of R-A-1 is “to protect those rural areas within urban expansion areas of the county for future low density residential urban development and to protect certain rural highway roadside areas against strip development which can lead to traffic congestion, traffic hazards, and roadside blight.”

- Bloomingdale requires a 50’ buffer with 25’ berm where industrial land abuts agricultural land. A letter of opposition is attached.

- The applicant elected to rezone the 6-acre tract to I-1 (approved on 2/15/2022). The buffer requirements were discussed at the sketch plan pre-application meeting on 2/16/2022.

- The lot does not present any exceptional topographical features; it is merely too small to accommodate a heavy industrial use and the required buffers. There are isolated parcels nearby used for surface mining, but 399-3R is surrounded by R and AR zoned land. There are home sites nearby, as well as stables and horse riding across Godley Road.

- Given the low intensity residential and recreational uses of most surrounding land on Godley Road and Oetgen Road, there is no case to be made for reducing the buffer on the industrial tract. The solution is to increase the size of the project site to allow for inclusion of a 300’ vegetative buffer to screen the heavy industrial use and allow for stormwater filtration.

Alternatives
1. Approve the request for a variance to reduce required buffers for an industrial property
2. Deny the request for a variance to reduce required buffers for an industrial property.

Recommended Alternative: 2

Department Review: Development Services
Attachments: 1. Variance application
2. Ownership Certification

Other Alternatives: 1

FUNDING: N/A
3. Deed
4. Aerial photography
ATTACHMENT A - VARIANCE APPLICATION

Application Date: 03/14/2022

Applicant/Agent: Catalyst Investment Partners, LLC / Dan Haroun

Applicant Email Address: dan@catalystios.com

Phone #: 203-644-8266

Applicant Mailing Address: 420 Madison Avenue, Suite 1001

City: New York State: NY Zip Code: 10017

Property Owner, if different from above: Earnest J. Oetgen

Owner’s Email Address (if known): ________________________________

Owner’s Mailing Address: 110 Frank Lane

City: Bloomingdale State: GA Zip Code: 31302

Property Location: Godley Road

Name of Development/Subdivision: Stagecoach Industrial Site

Present Zoning of Property: I-1 Tax Map-Parcel # 399-3R Total Acres 6 acres

VARIANCE REQUESTED (provide relevant section of code): 5.12 (I-1, buffer reduction)

Describe why variance is needed: Applicant under contract to purchase property surrounding the 6 acre tract, as such, buffer only protects applicant. Because of size of the property strict enforcement of zoning ordinance renders the property undevelopable for the intended use.

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

There are unique physical conditions (small tract, surrounded by burrow pit, wetlands) for the property. No opportunity to develop the property for its intended use in conformity with the zoning ordinance; as such, a variance is requested to enable reasonable use of the property.

Applicant Signature: ____________________________ Date 3/14/2022

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 12/15/2017, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2494 page 114.

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: Earnest J. Oetgen

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
AUTHORIZATION OF PROPERTY OWNER

I, Earnest J. Oetgen, 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: Catalyst Investment Partners, LLC
Applicant/Agent Address: Dan Haroun
City: New York State: NY Zip Code: 10017
Phone: 203-644-8266 Email: dan@catalystios.com

Owner's signature

Print Name: Earnest J. Oetgen

Personally appeared before me Earnest J. Oetgen (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 14th day of , 2022.

Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA
COUNTY OF EFFINGHAM

TRUSTEES' DEED

THIS INDENTURE, made and entered into this 15th day of December, 2017, by and between JAMES N. OETGEN and FRANK E. OETGEN, JR., as Co-Trustees of the "Julian Oetgen Trust," as Parties of the First Part, and ERNEST J. OETGEN, of Effingham County, Georgia, as Party of the Second Part;

WITNESSETH:

WHEREAS, Frank E. Oetgen, Sr., of Effingham County, Georgia, died testate on July 3, 1993, seized and possessed of the fee simple title to the following described property; and,

WHEREAS, the Last Will and Testament of Frank E. Oetgen, Sr., was probated in solemn form in the Probate Court of Effingham County, Georgia, and Letters Testamentary were granted to the decedent's wife, to wit, Muriel N. Oetgen; and,

WHEREAS, the Last Will and Testament of Frank E. Oetgen, Sr., devised the following described property to Muriel N. Oetgen and James N. Oetgen, as Trustees of the Julian Oetgen Trust for the lifetime benefit of the decedent's wife, Muriel N. Oetgen, and for the ultimate benefit of the decedent's son, Ernest J. Oetgen, said devise being assented to in that certain Assent to
Deviše executed on May 1, 1994, by and between Muriel N. Oetgen, as Executrix under the Last Will and Testament of Frank E. Oetgen, Sr., Deceased, as Party of the First Part, and Muriel N. Oetgen and James N. Oetgen, as Co-Trustees of the “Julian Oetgen Trust,” as Parties of the Second Part, filed for record and recorded on May 13, 1994, in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Deed Book 358, Page 668; and,

WHEREAS, Section 3.8 of the Last Will and Testament of Frank E. Oetgen, Sr., provides that upon death of the wife of Frank E. Oetgen, Sr., all of the following described property left remaining in the Julian Oetgen Trust be distributed to Ernest J. Oetgen; and,

WHEREAS, Muriel N. Oetgen passed away on October 5, 2015, in Effingham County, Georgia, whereupon, Frank E. Oetgen, Jr., succeeded to her position as Co-Trustee of the Julian Oetgen Trust, serving in that position with James N. Oetgen as Co-Trustee; and,

WHEREAS, there is no reason to delay the conveyance of the following described property from the Co-Trustees of the Julian Oetgen Trust to Ernest J. Oetgen as the ultimate fee simple beneficiary of the trust corpus pursuant to Section 3.8 of the Last Will and Testament of Frank E. Oetgen, Sr.;

NOW, THEREFORE, in accordance with Sections 3.2 and 3.8 of the Last Will and Testament of Frank E. Oetgen, Sr., Deceased, the Parties of the First Part, as current Co-Trustees of the Julian Oetgen Trust, do hereby convey, and by these presents do grant and convey unto the Party of the Second Part, his heirs, executors, administrators, successors and assigns, all of their interest in the following described tract or parcel of land, to wit:

All that certain lot, tract or parcel of land situate, lying, and being in Effingham and Chatham Counties, State of Georgia, being that portion of the property known as “Oetgen’s Ranch, or Whooping Island” which lies south of Oetgen Road.

The Oetgen Ranch, or Whooping Island Tract, which was owned by Frank E. Oetgen, Sr., at the time of his death, is composed of 716.4 acres, more or less, and
is shown as the property of E.J. Oetgen, Sr., and the property of Frank E. Oetgen, Sr., on a "Map showing a Division of a Part of the Whooping Island Tract" by Robert D. Gignilliat, Jr., dated November 1961, and recorded in the Office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Record Book N, Page 6.

One of the boundary lines of the property above-described is "Oetgen Road" which ends in the middle of the Whooping Island Tract. For purposes of this description, "Oetgen Road" shall be defined as the southern right-of-way line of the road, for the portion of the road which is open, and, from the eastern terminus of the road to the eastern property line of Oetgen Ranch, a line formed by extending the northern right-of-way line of the road in an easterly direction in a straight line.

Appurtenances, and every part thereof, to the only proper use, benefit and behoof of the said Party of the Second Part, his heirs, executors, administrators, successors and assigns, forever IN FEE SIMPLE.

And, the Parties of the First Part do covenant that they are lawfully the Co-Trustees under the Julian Oetgen Trust under Last Will and Testament of Frank E. Oetgen, Sr., Deceased, and have the power to convey as aforesaid, and have in all respects acted, in making this conveyance, in pursuance of the authority granted in and by said Last Will and Testament creating such Trust, and that they have not made, done, or suffered any acts, matters, or things whatsoever, since they were Co-Trustees as aforesaid, whereby the above-granted premises, or any part thereof, now are, or at any time hereafter shall, or may be, impeached, charged, or encumbered in any way whatsoever.

(SIGNATURES ON NEXT PAGE)
IN WITNESS WHEREOF, the Parties of the First Part hereunto set their respective hands and seals the day and year first above written.

THE JULIAN OETGEN TRUST established under Section 3.2 of the Last Will and Testament of Frank E. Oetgen, Sr.

By: 

FRANK E. OETGEN, JR., Co-Trustee

By: 

JAMES N. OETGEN, Co-Trustee

Signed, sealed and delivered on this 15 day of December, 2017, in the presence of:

[Signature]

Witness

[Signature]

Notary Public
April 13, 2022

Teresa Concannon, AICP
Planning and Zoning Manager
Effingham County Board of Commissioners
804 S. Laurel Street
Springfield, GA 31329

Dear Teresa:

Please accept this correspondence as official notice that the City of Bloomingdale is in opposition to the Variance and Sketch Plan proposal on the Oetgen property. An industrial land use in that area and its impact on a City of Bloomingdale road is not feasible. Further, the proposed lack of buffers is not a sound planning or land use principle and should not be allowed.

In addition, the City Council is in the process of considering a City ordinance prohibiting Tractor Trailers from traveling on the City owned portion of Stage Coach Road.

Please consider the City Council’s opposition to this zoning and deny the proposal in its current form.

Sincerely,

Charles D. Akridge, City Administrator

cc: Mayor Baxter and City Council
Staff Report

Sketch Plan 04

Subject: Sketch Plan (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022

Item Description: Catalyst Investment Partners, LLC as Agent for Ernest J. Oetgen requests approval of a sketch plan for "Stagecoach Industrial Site". Located on Godley Road, zoned I-1 Map# 399 Parcel# 3R

Summary Recommendation
Staff has reviewed the application, and recommends denial of a sketch plan for "Stagecoach Industrial Site".

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.
- The sketch plan pre-application meeting was held on 2/16/2022. The discussion included buffer requirements for heavy industrial uses; road maintenance responsibilities; and stormwater management. Godley Road is not a designated truck route. Immediate road improvements, as well as road maintenance agreements and bonds with Chatham County and the City of Bloomingdale, would be necessary to ensure that proposed heavy industrial uses on Godley Road can be served by the transportation network.
- Private water and septic system is assumed; the application did not include water-sewer providers.
- The sketch plan does not address the proposed container stacking height; therefore, the total number of proposed containers and associated truck traffic is unknown. If the sketch plan is approved, a Traffic Impact Assessment will be required during the site plan review process.
- The sketch plan shows stormwater draining onto an adjacent parcel in the City of Bloomingdale. If the sketch plan is approved, a drainage easement from the property owner will be necessary, as well as confirmation from Bloomingdale that industrial uses can drain onto R-A-1 zoned property.
- The City of Bloomingdale has submitted a letter urging denial due to concerns about road impacts (attached).
- If the sketch plan is approved, staff will follow-up with a Notice to Proceed, which will include all ordinance requirements, and any conditions added by the Board of Commissioners.

Alternatives
1. Approve request for a sketch plan for "Stagecoach Industrial Site".
2. Deny the request for a sketch plan for "Stagecoach Industrial Site".

Recommended Alternative: 2
Other Alternatives: 1

Department Review: Development Services
Attachments: 1. Sketch Plan Application
2. Sketch Plan
3. Aerial Photograph
FUNDING: N/A
EFFINGHAM COUNTY
SKETCH PLAN SUBMITTAL FORM

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

Proposed Name of Subdivision: Stagecoach Industrial Site

Name of Applicant/Agent: Dan Haroun Phone: 203-644-8266
Company Name: Catalyst Investment Partners LLC
Address: 420 Madison Ave, New York Suite 1001

Owner of Record: Earnest J. Oetgen Phone: ____________
Address: 110 Frank Lane, Bloomingdale, GA

Engineer: Parker Engineering Phone: ____________
Address: 36 Courtland Street, Statesboro, GA

Surveyor: Phone: ____________
Address: ____________

Proposed water ____________ Proposed sewer ____________

Total acreage of property: 6 Acreage to be divided: ____________ Number of Lots Proposed: ____________

Current Zoning: I-1 Proposed Zoning: I-1 Tax map – Block – Parcel No: ____________

Are any variances requested? Yes ________ If so, please describe: Reduce the 300 foot buffer from the neighboring AR-1 parcel under same ownership to 25’

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

This ______ day of ____________ 2022

Applicant: ____________ Owner: ____________

Notary: ____________

Mat Edelstien
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ED6321128
Qualified a New York County
Commission Expires 6/19/2023

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.

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Applicant Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Project Information:</td>
<td></td>
</tr>
<tr>
<td>x 1. Proposed name of development.</td>
<td></td>
</tr>
<tr>
<td>x 2. Names, addresses and telephone numbers of owner and applicant.</td>
<td></td>
</tr>
<tr>
<td>x 3. Name, address and telephone number of person or firm who prepared the plans.</td>
<td></td>
</tr>
<tr>
<td>x 4. Graphic scale (approximately 1&quot;=100') and north arrow.</td>
<td></td>
</tr>
<tr>
<td>x 5. Location map (approximately 1&quot; = 1000').</td>
<td></td>
</tr>
<tr>
<td>x 6. Date of preparation and revision dates</td>
<td></td>
</tr>
<tr>
<td>x 7. Acreage to be subdivided.</td>
<td></td>
</tr>
<tr>
<td>(b) Existing Conditions:</td>
<td></td>
</tr>
<tr>
<td>x 1. Location of all property lines.</td>
<td></td>
</tr>
<tr>
<td>x 2. Existing easements, covenants, reservations, and right-of-ways.</td>
<td></td>
</tr>
<tr>
<td>x 4. Sidewalks, streets, alleys, driveways, parking areas, etc.</td>
<td></td>
</tr>
<tr>
<td>x 5. Existing utilities including water, sewer, electric, wells and septic tanks.</td>
<td></td>
</tr>
<tr>
<td>x 6. Natural or man-made watercourses and bodies of water and wetlands.</td>
<td></td>
</tr>
<tr>
<td>n/a 7. Limits of floodplain.</td>
<td></td>
</tr>
<tr>
<td>x 8. Existing topography.</td>
<td></td>
</tr>
<tr>
<td>x 9. Current zoning district classification and land use.</td>
<td></td>
</tr>
<tr>
<td>n/a 10. Level Three Soil Survey (if septic systems are to be used for wastewater treatment).</td>
<td></td>
</tr>
<tr>
<td>(c) Proposed Features:</td>
<td></td>
</tr>
<tr>
<td>x 1. Layout of all proposed lots.</td>
<td></td>
</tr>
<tr>
<td>x 2. Proposed new sidewalks, streets, alleys, driveways, parking areas, etc (to include proposed street/road names).</td>
<td></td>
</tr>
<tr>
<td>x 3. Proposed zoning and land use.</td>
<td></td>
</tr>
<tr>
<td>x 4. Existing buildings and structures to remain or be removed</td>
<td></td>
</tr>
<tr>
<td>x 5. Existing sidewalks, streets, driveways, parking areas, etc., to remain or be removed.</td>
<td></td>
</tr>
<tr>
<td>x 6. Proposed retention/detention facilities and storm-water master plan.</td>
<td></td>
</tr>
</tbody>
</table>

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 ___ day of March, 2022

[Signature]

Notary

Max Edelstein
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ED6025185
Qualified in New York County
Commission Expires 4/20/2023
Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: Dee A. Griffin requests to rezone 4.94 acres from AR-1 to AR-2, to allow for the separation of a home site. Located at 384 Zipperer Road. Map# 396 Parcel# 56

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 4.94 acres from AR-1 to AR-2, to allow for the creation of a home site, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to subdivide a parcel to create a home site for a family member. The subdivision will create a 2.18-acre and a 2.76-acre lot and, therefore, the entire 4.94 acres must be rezoned to AR-2.

Alternatives
1. Approve the request to rezone 4.94 acres from AR-1 to AR-2, to allow for the creation of a home site, 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 Development Services and Environmental Health, and be recorded, before the rezoning can take effect.

2. Deny the request to rezone 4.94 acres from AR-1 to AR-2.

Recommended Alternative: 1

Department Review: Development Services

Attachments: 1. Rezoning application
2. Ownership certificate
3. Deed
4. Aerial photograph

Other Alternatives: 2

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 Dee A. Griffin – (Map # 396 Parcel # 56) 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: 3/14/2023

Applicant/Agent: Dee A. Griffin

Applicant Email Address: decannagriff@aol.com

Phone #: 912 558 0712

Applicant Mailing Address: 384 Zipperer Rd

City: Guyton State: GA Zip Code: 31312

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: 384 Zipperer Rd Guyton 31312

Proposed Road Access:

Present Zoning of Property: AR1 Proposed Zoning: AR2

Tax Map-Parcel #: 039660056 Total Acres: 4.94 Acres to be Rezoned: 4.94

Lot Characteristics: Residence

WATER

[_] Private Well

[_] Private Septic System

[ ] Public Water System

[ ] Public Sewer System

If public, name of supplier:

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

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.
   Build new construction home/create home/site for child

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?
   No change in use

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 3/11/22

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 

3/17/2022

on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2768 page 172.

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 Dee A. Griffin

Owner's signature

Print Name

Owner's signature

Print Name

Sworn and subscribed before me this 11th day of March, 2022.

Notary Public, State of Georgia

[Notary Seal]

Rev 05052021
STATE OF GEORGIA
COUNTY OF CHATHAM

WARRANTY DEED

RETURN TO:
J.H. GNANN, JR., ESQUIRE
P.O. BOX 1098
SAVANNAH, GA 31402

THIS INDENTURE, made July 29, 1967, by and between:
RANTZ McINLEY ZIPPERER, DONNA J. ZIPPERER and ANGELA Z. RITCHINGS
of the County of Effingham and the State of Georgia of the First Part, and
DEANNA A. GRIFFIN
of the County of Effingham and the State of Georgia of the Second Part,

WITNESSETH:

THAT First Parties, for and in consideration of payment of the sum of TEN DOLLARS ($10.00)
and other good and valuable considerations, in hand paid at and before the sealing and delivery of these
premises, the receipt whereof is hereby acknowledged, hereby conveys unto the said Party of the Second
Part, and her heirs, successors and assigns, the following described property, to wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the said bargained premises, 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 said Party of the Second Part, and her heirs, successors and assigns
forever IN Fee SIMPLE.

The Parties of the First Part expressly covenant to be seised and possessed of fee simple title and
that they have the full right, power and authority to convey said property and the Cretors hereof are free
and clear of any les, claims or incumbrances whatsoever by which said property may in anywise be
charged, charged impaired or defeated and the said Parties of the First Part, and for said Parties' heirs,
executors, administrators, successors and assigns will WARRANT and forever DEFEND the right and title
to the above-described property unto the said Party of the Second Part, and her heirs, successors and
assigns, against the lawful claims of all persons whomever.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hand and
affixed their seals, the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signatures]

Witnesses:

[Signatures]

Notary Public

[Seal]

GANNAM & GNANN, ATTORNEYS AT LAW
130 West Bay Street, Savannah, Georgia 31401

[Seal]
EXHIBIT "A"

ALL that certain lot, tract or parcel of land situate, lying and being in the 1559th G.M.D. of Effingham County, Georgia being containing five (5) acres, more or less, being a portion of the Luther Zipperer Tract as described on that certain property survey for Dee A. Griffin, dated June 20, 1997 by Warren E. Poythress, R.I.S. No. 1953, incorporated into this description by reference thereto, and being more fully described as follows: beginning at a marked point on the Southern right-of-way of Zipperer County Road No. 169; proceeding thence South 52°32'10" East a distance of 937.45 feet to a concrete monument; proceeding thence South 45°01'03" West a distance of 238.74 feet to a concrete monument; proceeding thence North 52°32'10" West a distance of 903.09 feet to a concrete monument located on the South side of said Zipperer County Road No. 169; proceeding thence along said Southern right-of-way North 36°44'32" East a distance of 236.69 feet to the point and place of beginning.
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
   Dee A. Griffin
   384 Zipperer Road, Guyton, GA 31312
   Pin: 396-56
   Total Acres: 4.34 Acres to be rezoned: 4.94

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,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
NOTE: SUBJECT PROPERTY IS A DIVISION OF MAP & PARCEL 0396 0056 OF THE EFFINGHAM COUNTY TAX ASSESSORS FILE.

This lot is not to be served by a private road, nor is it to be maintained by Effingham County nor accepted as a public road until such road, at the property owner's expense, is brought in compliance with county standards as specified by Effingham County, including but not limited to paving. These lots or lots may not be remodeled until said road, at the subdivision's expense, is brought into compliance with the road standards as specified by Effingham County. The responsibility of the abutting property owners. The road surface shall be no less than 18 feet wide. Further, I/we understand that it shall be our responsibility to properly maintain the easement shown on this plat by deed or separate easement agreement to any transfer of the property. The easement may serve no more than one (1) lot. The original remaining parcel shall be included as one of the three lots. If location of easement on plat changes, I/we understand that this subdivision and any easements are subject to all state and local ordinances and rules and regulations adopted by Effingham County.

This plat was prepared by a land surveyor and approved by the engineer. This plat complies with the Uniform Deed Law for property surveyed in Georgia.

References: DEED 442 PAGE 360 0396055
PCAB 250 G
ASHLEY HAYDEN

SURVEYORS CERTIFICATION

As required by subsection (b) of U.C.G.A. Section 48-1-66, this plat has been prepared by a land surveyor and approved by the Department of Revenue for recording as evidenced by the seal and signature of the appropriate governmental body. This plat is for the sole purpose of conveying the property as represented by the plat. No engineer or surveyor can nor any person relying on the plat can be held responsible for any errors due to typographic errors or otherwise.

Surveyor: Dee A. Griffin

SURVEY FOR

DEE A. GRIFFIN
SURVEY TO DIVIDE MAP & PARCEL
0396055 INTO TWO PARCELS
LOCATED IN THE 1559TH G.M.D.
EFFINGHAM COUNTY, GEORGIA
SURVEYED 03 FEB 2022
PLAT DRAWN 03 FEB 2022

Date: 2-07-22

SIGNING AUTHORITY

Title

DOB: DOB: FEB 2022
DATE: FEB 2022

MINOR SUBDIVISION

0396057
N/T
TRACY EDENFIELD

0396058
N/T
ASHLEY HAYDEN

REFERENCES:
DEED 442 PAGE 360 0396055
PCAB 250 G

SCALE: 1" = 200'

0' 200' 400'
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: Steven Reid as Agent for Paul E. Bruner requests to rezone 0.8 acres from AR-1 to AR-2, to allow for combination with an adjacent parcel. Located at 205 Pitts Road. Map# 244 Parcel# 9

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 0.8 acres from AR-1 to AR-2, to allow for combination with an adjacent parcel, 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 combine 0.8 acres zoned AR-1 with an adjacent parcel (244-11), which is zoned AR-2. Zoning must be compatible to allow for combination, therefore the 0.8 acres must be rezoned to AR-2.

Alternatives
1. Approve the request to rezone 0.8 acres from AR-1 to AR-2, to allow for combination with an adjacent parcel, with the following conditions:
   1. The lot shall meet the requirements of the AR-2 zoning district.
   2. Subdivision/recombination plat must be approved by Development Services, and be recorded, before the rezoning can take effect.
2. Deny the request to rezone 0.8 acres from AR-1 to AR-2.

Recommended Alternative: 1
Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A

Attachments:
1. Rezoning application
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 Steven Reid as Agent for Paul E. Bruner - (Map # 244 Parcel # 9) 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: 1/30/22

Applicant/Agent: Steven Reid

Applicant Email Address: areid1575@gmail.com

Phone #: 912-4133-0408

Applicant Mailing Address: 131 Buckskin Ct.

City: Guyton State: GA Zip Code: 31312

Property Owner, if different from above: Paul E. Bruner

Owner’s Email Address (if known): pl4946@windstream.net

Phone #: 912-425-9719

Owner’s Mailing Address: 205 Pitts Rd

City: Newton State: GA Zip Code: 30446

Property Location: 205 Pitts Rd.

Proposed Road Access: Pitts Rd.


Tax Map-Parcel #044-9 Total Acres: .85 Acres to be Rezoned: .8

Lot Characteristics: Vacant

WATER

Private Well

Public Water System

If public, name of supplier:

SEWER

Private Septic System

Public Sewer System

Justification for Rezoning Amendment: Expand existing property

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

North AR-2 South AR-2 East AR-2 West AR-1
1. Describe the current use of the property you wish to rezone.

   Property is unused

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.

   Pasture for horses (combination with 244-11)

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

   Other property will have a house with utilities on it.
   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?

   No change

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: 1/30/22
AUTHORIZATION OF PROPERTY OWNER

I, [Paul E. Bruner], 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: [Steven Reid]
Applicant/Agent Address: 131 Buckskin Ct.
City: Guyton State: GA Zip Code: 31312
Phone: 912-433-0408 Email:

Owner's signature: [Signature]
Print Name: Steven Reid

Personally appeared before me [Paul E. Bruner] (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 16th day of March, 2020.

[Notary Public, State of Georgia]

[Notary Seal]
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 November 22, 2021 on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2753 page 632-633

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 16th day of March, 2022.

Kathleen Erin Dunnigan
Notary Public, State of Georgia
STATE OF GEORGIA,
COUNTY OF EFFINGHAM

JOINT TENANCY WITH SURVIVORSHIP
GIFT DEED

This Indenture made this 22 day of November, 2021 between PAUL E. BRUNER, of the County of Effingham, State of Georgia, as party of the first part, hereinafter called "Grantor", and SUE ANNE BRUNER and PAUL E. BRUNER, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called "Grantees" (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the love and affection they have for Grantees and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, have granted, given, conveyed and confirmed, and by these presents do grant, give, convey and confirm unto the said Grantees, as joint tenants and not 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, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that certain lot, tract, or parcel of land to situate, lying and being in the 12th G.M. District, Effingham County, Georgia, containing Nine and Ninety-Five Hundredths (9.95) acres, more or less, known and designated as Parcel 1, that is shown and more particularly described by a plat of survey made by Paul D. Wilder, R. L. S. 1559, dated August 17, 1982 recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia and Plat Record Book 15, page 206, which is incorporated into this description by specific reference thereto.

This being the same property conveyed by ROC Enterprises, Inc. to Paul E. Bruner, as evidenced by that certain Warranty Deed dated April 5, 2004, recorded in Deed Book 1102, page 82, aforesaid records.

Said parcel being more commonly known as 205 Pitts Rd, Newington, GA 30446, and having Parcel Number 02440009, as recognized by the Effingham County Tax Assessor.
Subject However to all restrictive covenants, easements and rights of way of record.

***TITLE NOT EXAMINED BY SCRIVENER***

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises and all indebtedness secured by said property.

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 behoove of the said Grantees, as joint tenants and not 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, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantees against the claims of all persons whomsoever.

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

[Signature]

PAUL E. BRUNER
(Seal)

Signed, Sealed, and Delivered
this 12 day of November, 2021
in the presence of:

[Signature]

Unofficial Witness

Aimee Ecker
Notary Public
My commission expires

(Notary Public Seal Affixed)
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
Steven Reid
205 Pitts Road, Newington GA 30446
Pin: 244-9
Total Acres: 10.75 Acres to be rezoned: 10.75

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,

Darrell M. O'Neal, NPA
Environmental Health County Manager
Effingham County Health Department
Approximately .8 acres (shaded blue) to be combined with 244-11 (shaded yellow)
PUBLIC HEARING 07 HAS BEEN WITHDRAWN
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022

Item Description: Hubert T. Griner Jr. requests to rezone 3.21 acres from AR-2 to AR-1 to allow for combination with an adjacent parcel. Located at 1360 Highway 17 South. Map# 296 Parcel# 49

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 3.21 acres from AR-2 to AR-1 to allow for combination with an adjacent parcel, 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 wishes to combine this parcel with an adjoining AR-1 parcel (296-46B) for tax purposes. The parcels must meet zoning district requirements in order to be approved for recombination.
- The total acreage of the combined parcel will be 11.85 acres, which conforms to the minimum acreage for AR-1.

Alternatives
1. Approve request to rezone 3.21 acres from AR-2 to AR-1 to allow for combination with an adjacent parcel, with the following conditions:
   1. The combined lots shall meet the requirements of the AR-1 zoning district.
   2. Recombination survey must be approved by Development Services, and be recorded, before the rezoning can take effect.
2. Deny the request to rezone 3.21 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 Hubert T. Griner Jr. – (Map # 296 Parcel # 49) 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 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: 3-11-22

Applicant/Agent: Hubert T Griner Jr.

Applicant Email Address: buddy_g1961@icloud.com

Phone #: 912-410-9229

Applicant Mailing Address: 1360 Highway 17 South

City: Grayson State: GA Zip Code: 31312

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: Pinecrest

Proposed Road Access: GA Highway 17

Present Zoning of Property: A R-T  A P-2 Proposed Zoning: A R-1

Tax Map-Parcel #: 296-49 Total Acres: 11.84 Acres to be Rezoned: 8.321

Lot Characteristics: Residence

WATER

✓ Private Well

____ Public Water System

If public, name of supplier:

SEWER

✓ Private Septic System

____ Public Sewer System

Justification for Rezoning Amendment: Cannot combine differently zoned parcels

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.

Homestead & Timber

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.

Residence (Combine for entry in CUNA)

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?

No change to use

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: Hulbert, Date 3-11-22
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

March 13, 2008, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 1731, page 401.

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: Hubert T. Griner Jr.
Print Name: Hubert T. Griner Jr.

Owner’s signature: ____________________________
Print Name: ____________________________

Owner’s signature: ____________________________
Print Name: ____________________________

Owner’s signature: ____________________________
Print Name: ____________________________

Sworn and subscribed before me this 11th day of March, 2023.

Kathleen Erin Dunnigan
Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA

COUNTY OF EFFINGHAM

QUITCLAIM DEED

THIS INDENTURE, made this 13th day of March, 2008, between HUBERT THAD GRINER, JR., of Effingham County, Georgia, as Party of the first part, hereinafter called Grantor, and HUBERT T. GRINER, JR., as Party 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 one dollar ($1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, do hereby remise, release, convey and forever QUITCLAIM unto the said Grantee, their heirs, executors, administrators and assigns, all of their right, title, and interest in and to 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 3.21 acres, more or less, known and designated as Parcel A, that is shown and more particularly described by the plat of survey made by Paul D. Wilder, R.L.S. #1559, dated August 14, 1991, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 27, page 212, which is incorporated into this description by specific reference thereto.

This being the same property conveyed by Barbara D. Griner to Hubert Thad Griner, Jr. as evidenced by that certain Deed of Gift dated February 8, 2007, recorded in Deed Book 1584, page 236, aforesaid records.

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

Together with an improvement and immovable fixture attached thereto known as a 1996, 26 x 77, Homes of Merit mobile home, Serial #FLHMIL2P8941376ABC. Said mobile home is permanently affixed to the land and is to remain on the land described herein so as to become a part of the real property. Grantor declares that the wheels, axles, and hitches have been removed and that the mobile home is connected to the utilities. Grantor intends that the mobile home lose its nature as personal property and become real property. Said mobile home shall be hereafter considered a permanent fixture on the realty and henceforth title to said mobile home shall be considered as merged with title to the realty.

Current Property Identification No. is 29649.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor have signed and sealed this deed, the day and year first above written.

TITLE NOT EXAMINED BY SCRIVENER

[Signature]
HUBERT THAD GRINER, JR.

Signed, sealed and delivered in the presence of:

WITNESS

NOTARY PUBLIC
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
    Huber T. Griner Jr
    GA Highway 17 Pineora
    Pin: 296-49
    Total Acres: 3.21 Acres to be rezoned: 3.21

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-2 to AR-1. 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 Flat 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,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
NOTE: SUBJECT PROPERTY IS A RECOMBINATION OF MAP & PARCELS 02960049 & 02960048B00 OF THE EFFINGHAM COUNTY TAX ASSESSORS FILE. THE METES AND BOUNDS OF THIS SURVEY WERE TAKEN FROM PLAT D122 O-1 AND NOT RESURVEYED AT THIS TIME.

NOTE: BASED UPON REVIEW OF THE F.E.M.A. FLOOD INSURANCE RISK MAP, EFFINGHAM COUNTY, GEORGIA, REFINING THE CURRENT EFFECTIVE SPECIAL FLOOD HAZARD AREA (SFHAT DATED 3/4/2015, THIS PROPERTY IS LOCATED IN "ZONE X", OUTSIDE THE 500 YEAR FLOODPLAN)

APPROVED FOR RECORDING BY THE EFFINGHAM COUNTY ZONING ADMINISTRATOR.

ZONING ADMINISTRATOR DATE

A RECOMBINATION SURVEY

SURVEY TO RECOMBINE MAP & PARCELS 02960049 & 02960048B00 NOW 11.85 ACRES LOCATED IN THE 10TH. S.M.D. EFFINGHAM COUNTY, GEORGIA SURVEYED 04 MAR 2022 PLAT DRAWN 04 MAR 2022
Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: James M. Carlson requests to rezone 3.87 acres from AR-1 to AR-2 to allow for a 5-lot subdivision. Located at 2077 Highway 119 North. Map# 387 Parcel# 1

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 3.87 acres from AR-1 to AR-2 to allow for a 5-lot subdivision, 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 create three new home sites for family members, these lots will be 1.269 acres, 1.227 acres, and 1.35' acres. The remaining 10.47 acres will be split, with a portion being combined with an adjoining parcel (408-30). The resulting acreage of these two lots will be 6.442 acres and 6.26 acres, which meets AR-1 zoning district requirements.
- The three new home sites do not meet AR-1 minimum acreage requirements and, therefore, must be rezoned to AR-2.

Alternatives
1. Approve the request to rezone 3.87 acres from AR-1 to AR-2 to allow for a 5-lot subdivision, with conditions:
   1. The lots shall meet the requirements of the AR-1 and AR-2 zoning districts.
   2. The major subdivision final plat must be approved by the Board of Commissioners, and be recorded, before the rezoning can take effect.
2. Deny the request to rezone 3.87 acres from AR-1 to AR-2.

Recommended Alternative: 1  Other Alternatives: 2

Department Review: Development Services  FUNDING: N/A
Attachments: 1. Rezoning application  3. Deed
2. Ownership certificate  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 James M. Carlson – (Map # 387 Parcel # 1) 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 – April 18, 2022
ATTACHMENT A - REZONING AMENDMENT APPLICATION

Application Date: 3.2.2022

Applicant/Agent: James M. Carlson

Applicant Email Address: admin@carlsonsandco.com

Phone #: 912-655-7187

Applicant Mailing Address: 7077 Highway 119 North

City: Springfield  State: GA  Zip Code: 313

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

Owner’s Email Address (if known): admin@carlsonsandco.com

Phone #: 912-655-7187

Owner’s Mailing Address: 2077 Highway 119 N

City: Springfield  State: GA  Zip Code: 31324

Property Location: 2077 Highway 119 N Springfield 31324

Proposed Road Access: Highway 119 W

Present Zoning of Property:     Proposed Zoning:   ARA

Tax Map-Parcel #: 381-1  Total Acres: 14.34  Acres to be Rezoned: + 3.87

Lot Characteristics: wooded

WATER

☑️ Private Well
☐ Public Water System

SEWER

☑️ Private Septic System
☐ Public Sewer System

If public, name of supplier:

Justification for Rezoning Amendment: Creative Homesite

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

North ARA  South ARA  East ARA  West ARA

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

Farm land Surveyed one Acre For Home

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

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

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

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?

Applicant Signature: ___________________________ Date: ___________________________
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

7/19/2019, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2536 page 23-24.

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 2 day of march, 2022.

Chelsie Fernald
Notary Public, State of Georgia

Rev 05052021
STATE OF GEORGIA  
COUNTY OF EFFINGHAM

QUITCLAIM DEED

THIS INDEMNITY, made this 18th day of July, 2019, between, JOANN’S FLORIST, FLOWERS & GIFTS, LLC, a Georgia Limited Liability Company, as Party of the First Part, and JAMES M. CARLSON, of Effingham County, Georgia, as Party of the Second Part,

WITNESSETH:

That the said Party of the First Part for and in consideration of the sum of One ($1.00) Dollar, cash in hand paid, the receipt and adequacy of which is hereby acknowledged, has bargained, sold, and does by these presents remise, release and forever QUITCLAIM to the said JAMES M. CARLSON, its successors and assigns, all of the right, title, interest, claim or demand the said Party of the First Part has or may have had in and to the following described property, to-wit:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF / SUBJECT TO covenants, restrictions and easements of record.

With all of the rights, members and appurtenances in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said property and premises to the said Party of the Second Part so that neither the said Party of the First Part nor his heirs, administrators, executors and assigns, means, have, claim or demand any right or title to the aforesaid property and premises or its appurtenances or any right thereof.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal on the day and year first above written.

JAMES M. CARLSON  
JOANN’S FLORIST, OWNER

Signed, sealed and delivered this 19th day of July, 2019, in the presence of:

JENNIFER K. BELFRY

WITNESS

ANDREA N. BERRY  
NOTARY PUBLIC

BULLDOG COUNTY, GA
EXHIBIT “A”

All that certain tract of parcel of land situate, lying and being in the 11th G.M. District, Effingham County, Georgia, containing Sixteen and Fifty-Four Hundredths (16.54) acres, more or less, being bounded on the north by lands of Frances Y. Seckinger; on the east by lands of Frances Y. Seckinger; on the south by lands of Pate and by Georgia State Highway 119; and on the west by lands of James and Harry Bird Zitzouer. Express reference is hereby made to the plat of said lands made by Warren E. Polythress, R.L.S. #1953, dated November 23, 2009, recorded in the office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet “D”, Slide 42-A-1, for better determining the metes and bounds of said lands herein conveyed.

TITLE NOTE EXAMINED NOR WARRANTED BY PREPARER OF DEED
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
James M. Carlson
2077 Highway 119 Springfield, GA 31329
Pin: 387-1
Total Acres: 14.34 Acres to be rezoned: 14.34

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,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
Subject: Rezoning (Fourth District)
Author: Terasa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: Reuben E. Jenkins III requests to rezone 1.05 acres from AR-1 to B-2 to allow for commercial use. Located at 351 Webb Road. Map# 389 Parcel# 18

Summary Recommendation
Staff has reviewed the application, and recommends denial of the request to rezone 1.05 acres from AR-1 to B-2 to allow for commercial use.

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.
- An adjacent parcel (389-19) was rezoned to B-2 on 12/2/1980, to allow for a warehouse and shop. A letter in the rezoning file cites adjacent parcels as having commercial businesses. The property to the north was farmland in 1980. At this time, there is residential development to the north.
- The properties at 389-18 & 389-19 have been used for various commercial activities. There is no active business license for any business at those locations.
- Code Enforcement followed up on complaints relating to junk cars on site in 2021. The properties have been cleared, and the cases are closed.
- The applicant did not provide information on proposed business operations. B-2 permits food service, clubs, retail, child care, residential development, indoor entertainment, offices, etc.
- Automobile service and commercial parking areas are permitted as conditional uses. If the rezoning is approved, conditional use approval may be necessary based on the proposed business. Sketch plan approval would be necessary for improvements such as buildings or parking areas. Any business operating at the site would need to obtain and maintain a business license.
- A 30' vegetative buffer around the perimeter of the commercial parcels would be required in order for a new business to begin operations on site.
- Webb Road is not a designated truck route; it is a surface-treated, county-maintained road. Improvements may be necessary, depending on the proposed use at 351 Webb Road.

Alternatives
1. Approve the request to rezone 1.05 acres from AR-1 to B-2 to allow for commercial use, with conditions:
2. Deny the request to rezone 1.05 acres from AR-1 to B-2 to allow for commercial use.

Recommended Alternative: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application
2. Ownership certificate
3. Deed
4. Aerial photograph
9.5  

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 Reuben E. Jenkins III- (Map # 389 Parcel # 18) from AR-1 to B-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 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: 

Applicant/Agent: Reuben E. Jenkins III

Applicant Email Address: radioqueen@gmail.com

Phone #: 912-341-3436

Applicant Mailing Address: 343 Webb Rd

City: Springfield State: Ga Zip Code: 31329

Property Owner, if different from above: Same

Owner’s Email Address (if known): 

Phone #: 

Owner’s Mailing Address: 

City: State: Zip Code: 

Property Location: 351 Webb Rd Springfield Ga 31329

Proposed Road Access: Webb Rd


Tax Map-Parcel #: 389-18 Total Acres: 1.05 Acres to be Rezoned: 1.05

Lot Characteristics: metal building

WATER

X Private Well

___ Public Water System

SEWER

X Private Septic System

___ Public Sewer System

If public, name of supplier:

Justification for Rezoning Amendment: used for commercial purposes

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.

Not currently in use.

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.

Combination of use with adjacent 3-2 parcel

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

Residential, commercial

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?

Historically has been used for commercial

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: 3-8-77
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

November 19, 2021, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 9743, page 970-971.

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: Reuben E. Jenkins III

Print Name: Reuben E. Jenkins III

Owner’s signature: ______________________________

Print Name: ______________________________

Owner’s signature: ______________________________

Print Name: ______________________________

Sworn and subscribed before me this 8th day of March, 2020.

Kathleen Erin Dunn
Notary Public, State of Georgia

Rev 05052021
LIMITED WARRANTY DEED
With Right of Survivorship

STATE OF GEORGIA
COUNTY OF EFFINGHAM

This Indenture made this 19th day of November, 2021, between Russell Lee Scruggs, of the County of Effingham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Reuben Eugene Jenkins, III and Michelle L. Jenkins, 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 Grantees, as joint tenants and not 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, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that certain lot, tract or parcel of land situate, lying and being in the 11th G.M. District, Effingham County, Georgia, containing 1.05 acres, more or less, known and designated as Parcel 2, that is shown and more particularly described by the plat of survey made by Paul D. Wilder, R.L.S. #1559, dated March 2, 1984, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Book 16, page 22, which is incorporated into this description by specific reference thereto.

This being a portion of the property conveyed by Rothell P. MacMillan to Russell Lee Scruggs as evidenced by that certain Warranty Deed dated June 28, 2017, recorded in Deed Book 2413, page 869, aforesaid records.

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

Said property has a current property tax identification number of 03890-018-000 with a street address of 351 Webb Road, Springfield, Georgia 31329.
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 Grantees, as joint tenants and not 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, together with every contingent remainder and right of reversion and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims and demands of all persons holding 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 day of November, 2021, in the presence of:

[Signature]

(Seal)

Russell Lee Scruggs

[Signature]

(Seal)

Unofficial Witness

Catherine J. Jones

Notary Public

My commission expires 8/05/05

(Notary Public Seal Fixed)

Page 2 of 2
April 5, 2022

Effingham County Zoning Board
Springfield, GA 31329

Re: Rezoning Amendment
   Reuben Jenkins
   351 Webb Road Springfield, GA 31329
   Pin: 389-18
   Total Acres: 1.05 Acres to be rezoned: 1.05

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 B-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 Flat 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,

Darrell M. O'Neal, NPA
Environmental Health County Manager
Effingham County Health Department
November 12, 1980

The Effingham County Planning Board will hold a Public Hearing on Tuesday, November 25, 1980, at 7:30P. M. in the court room of the Effingham County Courthouse.

To hear petition filed by Mr. Bobby G. Reddick Jr. to rezone 1.06 acres of property adjoining your property.

He is asking that his property be rezoned from AR-I (agricultural residential districts) to B-2 (general commercial districts) for the erection of a warehouse and shop.

This property is located south of Springfield behind Massey-Ferguson Tractor Co. and next to Effingham Cable TV.

If you have any objections to this rezoning they can be heard at this time.

Sincerely:
Ronald B. Pevey
Zoning Administrator
RBP/flj
Subject: Variance (Fourth District)  
Author: Teresa Concannon, AICP, Planning & Zoning Manager  
Department: Development Services  
Meeting Date: April 18, 2022  
Item Description: Gary Ferrell requests a variance from section 3.3 to reduce required accessory building setbacks, allowing for a replacement accessory structure. Located at 1129 Ralph Rahn Road, zoned R-1. Map# 391B Parcel# 2

Summary Recommendation  
Staff has reviewed the application, and recommends approval of the request for a variance from section 3.3 to reduce required setbacks, allowing for a replacement accessory structure, with conditions.

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 applicant purchased a property with an existing accessory structure on the site in question. The applicant then replaced the accessory structure using the pre-existing slab, which is in line with the driveway. He was unaware of the building permit requirement for a building over 200 sf.
- The accessory structure is approximately 5 ½’ from the side property line and therefore does not meet the minimum side setback of 10’, pursuant to Section 3.3 Accessory Structures in Residential Districts.
- The location of the existing home and septic drainfield eliminate the option of placing the structure elsewhere in the side or rear yard.
- The applicant is working with the Building Official to meet plan review requirements for a building permit for the accessory building.

Alternatives  
1. Approve the request for a variance to reduce required setbacks, allowing for a replacement accessory structure, with conditions:  
   1. Meet all requirements for building permit approval.
2. Deny the request for a variance to reduce required setbacks, allowing for a replacement accessory structure.

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: 3/11/2022

Applicant/Agent: Gary P. Ferrell Jr.

Applicant Email Address: garyferrell24@yahoo.com

Phone #: 912-856-3011

Applicant Mailing Address: 1129 Ralph Rahn Rd

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): N/A

Phone #

Owner's Mailing Address

City: State: Zip Code:

Property Location: 1129 Ralph Rahn Road

Name of Development/Subdivision: Buckfield

Present Zoning of Property R-1 Tax Map-Parcel # 3918-2 Total Acres .88

VARIANCE REQUESTED (provide relevant section of code): Sec. 6.2.3

Describe why variance is needed: Pre-existing slab was used for accessory building. Does not meet side set-back requirements. Cannot move due to drain field.

How does request meet criteria of Section 7.1.8 (see Attachment C): Location of house & driveway on .88ac. lot limits options for placement of accessory building.

Applicant Signature: Gary P. Ferrell Jr. Date 3-11-22
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

8-15-18, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2482 page 799.

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 11 day of March, 2022.

Chelsie Ferrell
Notary Public, State of Georgia
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF EFFINGHAM

This Indenture made this 14th day of August, 2018, between William J. Callaway and Laura P. Callaway, of the County of Effingham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Gary P. Ferrell, Jr., 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 situate, lying and being in the 5th G.M. District, Effingham County, Georgia, known and designated as Lot Number 2, Buckfield Plantation, that is shown and more particularly described by the plat of survey made by Charles W. Tuten, Jr., R.L.S. # 2345, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet B, Slide 124A, which is incorporated into this description by specific reference thereto.

This being the same property conveyed by Hubert W. Kight to William J. Callaway and Laura P. Callaway as evidenced by that certain Warranty Deed dated February 2, 2015, recorded in Deed Book 2277, page 340, aforesaid records.

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

Said property has a current property tax identification number of 0391B-002-000, with a current street address of 1129 Ralph Rahn Rd, Rincon, Georgia, 31326.

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 appurtenant, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed this 14th day of August, 2018
In the presence of:

[Signature]

(Seal)

Unofficial Witness

Notary Public
My commission expires
(Notary Public Seal)

[Signature]

(Seal)

William J. Callaway

Laura P. Callaway

https://search.gsocca.org/imaging/HTML5Viewer.aspx?id=721475798&key1=2482&key2=799&county=51&countyname=EFFINGHAM&userid=725673... 1/1
Staff Report

Subject: Variance (Fifth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022
Item Description: K&M Effingham Properties, LLC requests a variance from section 3.4 Buffers to reduce required vegetative buffers for an industrial property. Located at 1204 Mill Pond Road. Map# 446 Parcel# 7C

Summary Recommendation
Staff has reviewed the application, and recommends denial of the request for a variance from section 3.4 Buffers to reduce required buffers for an industrial property, to accommodate a proposed development.

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 proposed business involves uses that did not fit into the B-3 zoning district, but required rezoning to I-1. The proposed uses may be considered a light industrial use. The required buffer between light industrial and R zoning districts is 300'.
- The parcels to the north and west are I-1. Parcels to the south and east are R-1. The proposed buffer reduction is from 300' to 25' along the south and east property boundaries with R zoning.
- The applicant elected to rezone only the 7-acre tract to I-1 (approved on 6/2/2020), and opted to leave a 61.52’ strip of R zoned property along the eastern boundary in a plat recorded 8/11/2021, and subsequently re-subdivided, and recorded on 1/5/2022.
- The required buffer between the I-1 and AR zoning districts is 150'.
- The buffer requirements were discussed at the sketch plan pre-application meeting on 3/3/2022.
- The lot does not present any exceptional topographical features; it is merely too small to accommodate an industrial use and the required buffers. The solution would be to expand the parcel and expand south to allow for the buffer.
- Given the residential development to the east, on both sides of Ebenezer Road, there is no case to be made for reducing the I-1 to R buffer requirement. The solution is to increase the size of the project site to allow for inclusion of a vegetative buffer substantial enough to screen the industrial use and allow for stormwater filtration. Removing the R-1 strip to the east would reduce the buffer requirement to 150' against the AR-1 parcel.

Alternatives
1. Approve request for a variance from section 3.4 Buffers to reduce required buffers.
2. Deny the request for a variance from section 3.4 Buffers to reduce required buffers.

Recommended Alternative: 2
Other Alternatives: 1

Department Review: Development Services
FUNDING: N/A
Attachments:
1. Variance application
2. Ownership Certification
3. Deed
4. Aerial photography

Staff Report

Sketch Plan 13
ATTACHMENT A - VARIANCE APPLICATION

Application Date: 3-8-2022

Applicant/Agent: **ERIC S. EDWARDS**  **K&M Effingham Properties, LLC**

Applicant Email Address: edwards@actionohd.com

Phone #: 912-659-8352

Applicant Mailing Address: P.O. Box 249

City: Rincon State: GA Zip Code: 31326

Property Owner, if different from above: Same as above

Include Signed & Notarized Authorization of Property Owner

Owner's Email Address (if known): edwards@actionohd.com

Phone #: 912-659-8352

Owner's Mailing Address: P.O. Box 249

City: Rincon State: GA Zip Code: 31326

Property Location: 1204 Mill Pond Rd, Rincon GA 31326

Name of Development/Subdivision: N/A

Present Zoning of Property: LIGHT INDUSTRIAL Tax Map-Parcel #0446000 Tax Map Parcel #3 Total Acres 7.01

VARIANCE REQUESTED (provide relevant section of code): Section 5.4.1 Buffers

Describe why variance is needed: 300' Buffer Required will Reduce Property available for development from 7 ac to 1 ac. The property to the South and East to be rezoned by owner to I-1

How does request meet criteria of Section 7.1.8 (see Attachment C): 7.1.8.2 - the 300' buffer burdens the developable area of the property from 7 ac to one acre.

Applicant Signature: Ed Edw Date 3-8-2022
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

8-9-2021

on file in the office of the Clerk of the Superior Court of

Effingham County, in Deed Book 14165 page 25.

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 8th day of March, 2022.

Notary Public, State of Georgia

Rev 05052021
AUTHORIZATION OF PROPERTY OWNER

I, Eric S. Edwards, 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: Linda Sims

Applicant/Agent Address: 1480 Chatham Parkway

City: Savannah State: GA Zip Code: 31405

Phone: 912-200-3641 Email: lsimso@eci-sav.com

Owner's signature: Eric S. Edwards

Print Name: Eric S. Edwards

Personally appeared before me Eric S. Edwards (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 8th day of March, 2022.

Notary Public, State of Georgia

Rev 05052021
LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF EFFINGHAM

THIS INDENTURE made this 25th day of August, 2021, between N & W Enterprises, LLC, a Georgia Limited Liability Company, as party of the first part, hereinafter called Grantor, and K & M Effingham Properties, LLC, a Georgia Limited Liability Company, as party 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 NO/100 DOLLARS ($10.00) 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 situate, lying and being in the 9th G.M. District, Effingham County, Georgia, being known as Parcel 3 (7.01 acres, more or less), as shown and more particularly described on that certain map or plat made by Adolph M. Michelis, R.L.S. No. 1323, dated July 16, 2021 and recorded in Plat Book 29, Page 130 in the records of the Clerk of Superior Court of Effingham County, Georgia. For a more particular description reference is hereby made to the aforesaid plat, which is specifically incorporated herein and made a part hereof.

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

This being a portion of the property conveyed by Warranty Deed from Weston Enterprises, Inc. and Thomas Neidlinger Logging, Inc. to N&W Enterprises, LLC, dated June 8, 2006, recorded in Deed Book 1465, Page 25, aforesaid records.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 said Grantee, forever in FREE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named 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 25th day of August, 2021, in the presence of:

Witness

N & W Enterprises, LLC

By: Richard A. Neidlinger, Sole Member

EDWARD L. NEWBERRY JR
Notary Public, Effingham County, GA
By Commission Expires June 21, 2024

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=79398700&key1=2719&key2=... 3/14/2022
Minutes from the
May 4, 2020
Planning Board &
May 19, 2020
Board of Commissioners meetings
Eric Edwards - PUBLIC HEARING (12): The applicant requests to rezone 7 acres from R-1 to I-1 for [Map# 446 Parcel# 7] located at 1204 Mill Pond Road to allow for a commercial business Overhead Door Company”. (Fourth District)

Mrs. Diane Proudfoot, Zoning Administrator read the Facts and Findings, and Staff Recommendations:
Facts and Findings:

- 11 -

*MINUTES OF THE EFFINGHAM COUNTY PLANNING BOARD – May 4, 2020*

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. Overhead Door Company is seeking to develop 7-acres of the property contingent upon rezoning approval. County water and sewer is not available to this site.

Staff Recommendation: Approval with the following stipulations:
1. Must meet the requirements of the I-1 zoning district, Article V. Uses Permitted in District 1 5.12 – Industrial Districts.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. A subdivision plat must be approved by the Health Department and the Zoning Office.

No one was present to speak for or against the rezoning.

Chairman David Burns asked if the property had previously been zoned Industrial, the consensus was it had. Mr. Peter Higgins observed that the property was surrounded by industrial zoning.

Mr. Peter Higgins made a motion to approve with Staff Recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.
ERIC EDWARDS – PUBLIC HEARING (38): The Planning Board recommends approving an application by Eric Edwards to rezone 7 acres out of 31.50 acres located at 1204 Mill Pond Road from R-1 to I-1 Map# 446 Parcel# 7 in the Fifth District.

Commissioner Kieffer recused himself from voting on this item due to proximity to personal home.

Zoning Administrator Proudfoot explained Staff and Planning Board recommend approval with stipulations.

No one was present in favor or against the request. There was discussion to require the access to be from Ebenezer Road.

Commissioner Burdette made a motion to approve the request with the following Planning Board and Staff recommendations:

1. Must meet the requirements of the I-1 zoning district, Article V. Uses Permitted in District / 5.12 – Industrial Districts.
2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts permitted by USACE.
4. A subdivision plat must be approved by the Health Department and the Zoning Office.
5. The access shall be from Ebenezer Road (Hwy 275).

Vice Chairman Deloach seconded the motion. The motion carried unanimously.

ERIC EDWARDS – SECOND READING (39): Consideration to approve the Second Reading of an application by Eric Edwards to rezone 7 acres out of 31.50 acres located at 1204 Mill Pond Road from R-1 to I-1 Map# 446 Parcel# 7 in the Fifth District.

Commissioner Kieffer recused himself from voting on this item.

Due to an added stipulation, (according to the Rules of Procedure) this item was automatically tabled to the June 2, 2020 Commission meeting.
Subject:  Sketch Plan (Fifth District)
Author:  Teresa Concannon, AICP, Planning & Zoning Manager
Department:  Development Services
Meeting Date:  April 18, 2022
Item Description:  Linda Sims as Agent for K&M Effingham Properties, LLC requests approval of a sketch plan for: “ACTION OVERHEAD DOOR WAREHOUSES.” Located at 1204 Mill Pond Road, zoned I-1. Map# 446 Parcel# 7C

Summary Recommendation
Staff has reviewed the application, and recommends denial of a sketch plan for “ACTION OVERHEAD DOOR WAREHOUSES”.

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.

- The proposed industrial development will be served by private well and septic system, as Springfield has declined service.
- The industrial development will be served by a single driveway on Ebenezer Road. Staff requested that the driveway line up with Entrepreneur Way, across Ebenezer Road.
- The site plan does not support the required buffers between AR/R and I-1 zoning districts.
- Staff recommends denial of the request for a variance to reduce the required buffers, and therefore cannot recommend approval of the sketch plan as presented.
- At the March 3, 2022 pre-application meeting, we discussed buffers, stormwater management, the site development review process, and access management. Access to Ebenezer Road / Hwy 275 will require a GDOT encroachment permit.
- If approved, staff will follow up with a Notice to Proceed summarizing requirements and recommendations.

Alternatives
1. Approve the sketch plan for: “ACTION OVERHEAD DOOR WAREHOUSES”.
2. Deny the sketch plan for: “ACTION OVERHEAD DOOR WAREHOUSES”.

Recommended Alternative:  2
Other Alternatives:  1

Department Review:  Development Services
FUNDING:  N/A

Attachments:
1. Sketch Plan Application
2. Sketch Plan
3. Aerial Photograph
EFFINGHAM COUNTY
SKETCH PLAN SUBMITTAL FORM

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

Proposed Name of Subdivision

Name of Applicant/Agent LINDA SIMS Phone 912-200 3041

Company Name Coleman Company, Inc
Address 1480 Chatham Parkway Savannah, GA 31405

Owner of Record KIM Effingham Properties Phone 912-659-8352
Address P.O. Box 244 Rincon, GA 31326

Engineer Coleman Company Inc Phone (912) 200 3041
Address 1480 Chatham Parkway Suite 100 Savannah, GA 31405

Surveyor Adolph N. Michelis & Assoc. Phone (912) 829-3975
Address 76 Sandy Ridge Rd. Sylvania, GA 30467

Proposed water DEEP WELL Proposed sewer SEPTIC TANK

Total acreage of property 7.01 Acreage to be divided N/A Number of Lots Proposed N/A

Current Zoning LIGHT Proposed Zoning Light Tax map – Block – Parcel No 044-50007-3

Are any variances requested? Yes If so, please describe: Reduction of 300'

Buffer to residennally zoned property to 25'

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

This 8th day of MARCH, 2022

applicant

This 8th day of MARCH, 2022

Owner

Tracie T. McIntyre
Notary Public, Chatham County, GA
My Commission Expires February 24, 2023
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.

### (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.
- 5. Location map (approximately 1" = 1000').
- 6. Date of preparation and revision dates.
- 7. Acreage to be subdivided. N/A

### (b) Existing Conditions:
- 1. Location of all property lines.
- 2. Existing easements, covenants, reservations, and right-of-ways.
- 3. Buildings and structures. N/A
- 4. Sidewalks, streets, alleys, driveways, parking areas, etc.
- 5. Existing utilities including water, sewer, electric, wells and septic tanks.
- 6. Natural or man-made watercourses and bodies of water and wetlands. N/A
- 7. Limits of floodplain. N/A
- 8. Existing topography.
- 10. Level Three Soil Survey (if septic systems are to be used for wastewater treatment).

### (c) Proposed Features:
- 1. Layout of all proposed lots.
- 2. Proposed new sidewalks, streets, alleys, driveways, parking areas, etc (to include proposed street/road names).
- 3. Proposed zoning and land use.
- 4. Existing buildings and structures to remain or be removed.
- 5. Existing sidewalks, streets, driveways, parking areas, etc., to remain or be removed.
- 6. Proposed retention/detention facilities and storm-water master plan.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>Wastewater infrastructure master plan (to include reuse infrastructure if proposed).</td>
</tr>
<tr>
<td>8.</td>
<td>Water distribution infrastructure master plan.</td>
</tr>
</tbody>
</table>

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

This 8th day of March, 2022

[Signature]

Notary

[Signature]

Applicant

[Signature]

Owner

Tracie T. McIntyre  
Notary Public, Chatham County, GA  
My Commission Expires February 24, 2023
March 16, 2022

Eric Edwards
Action Overhead Door
145 Industrial Blvd
Rincon GA, 31326

RE: Ebenezer Road
Parcel 446-7C
Water & Sewer Availability & Capacity Letter

To Whom It May Concern:

Water and sewer services will not be furnished to the proposed development at this location.

If I may be of further assistance, please contact me at (912)754-7617 or mmorris@springfieldga.org.

Sincerely,

Matthew A. Morris
City Manager
Staff Report

Subject: Rezoning (Fifth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: April 18, 2022

Item Description: Brett Bennett as Agent for Greenland Developers, Inc. requests approval of a sketch plan for: “Goshen Ext. Apartments” a 408-unit multifamily development on 34.6 acres. Located off Goshen Commercial Park Drive, zoned B-2. Map# 465 Parcels# 2, 2A, 2B, 2C

Summary Recommendation
Staff has reviewed the application, and recommends approval of a sketch plan for: Goshen Ext. Apartments.

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.
- The applicant proposes buffers of 15’ between multifamily developments; 20’ between multifamily and commercial; 15’ between multifamily and industrial; 20’ between multifamily and R/AR. The industrial property to the north and east is required to provide a 300’ vegetative buffer with berm.
- The proposed multifamily development may be served by county water and sewer. A road will connect the development to Goshen Commercial Park Drive, and may be conveyed to the county.
- Proposed density is 12 units per acre, pursuant to previous R-3 zoning district requirements. The revised B-2 zoning district limits density to 12 units per acre for mixed use residential. The revised R-3 zoning district limits density to 9 residential units per acre.
- Proposed parking meets requirements (1.5 per unit=612 spaces). Wetlands acreage is not calculated. The development will include a pool area and community building, a playground, and dog park.
- At the February 28, 2022 pre-application meeting, open space, buffers, amenities & parking, roads, and common element maintenance were discussed.
- If approved, staff will follow-up with a Notice to Proceed summarizing requirements and recommendations.

Alternatives
1. Approve the request for a sketch plan for: Goshen Ext. Apartments.
2. Deny the request for a sketch plan for: Goshen Ext. Apartments.

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 GOSHEN EXT. APARTMENTS
Name of Applicant/Agent BRETT BENNETT Phone 912-754-3439
Company Name GREENLAND DEVELOPERS, INC.
Address P.O. BOX 1628 SPRINGFIELD, GA 31329

Owner of Record SAME AS ABOVE Phone ___________
Address ___________

Engineer EMC ENGINEERING SERVICES, INC. Phone 912-232-6533
Address 10 CHATHAM CENTER SOUTH, SUITE 100 SAVANNAH, GA 31405

Surveyor EMC ENGINEERING SERVICES, INC Phone 912-232-6533
Address 10 CHATHAM CENTER SOUTH, SUITE 100 SAVANNAH, GA 31405

Proposed water EFFINGHAM COUNTY Proposed sewer EFFINGHAM COUNTY
Total acreage of property 36.83 Acreage to be divided N/A Number of Lots Proposed 408 APARTMENT UNITS
Current Zoning B-2 Proposed Zoning B-2 Tax map – Block – Parcel No 04650002, 04650002A00,
04650002B00, 04650002C00

Are any variances requested? N/A If so, please describe: ____________________________

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

This __________ day of __________, 2022

Applicant BRETT BENNETT
Owner

Crystal Graham Higdon
Notary Public, Effingham County, Ga
My Commission Expires August 15, 2025

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.

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Applicant Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(a) Project Information:

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

(b) Existing Conditions:

- [X] 1. Location of all property lines.
- [X] 2. Existing easements, covenants, reservations, and right-of-ways.
- [X] 4. Sidewalks, streets, alleys, driveways, parking areas, etc.
- [X] 5. Existing utilities including water, sewer, electric, wells and septic tanks.
- [X] 6. Natural or man-made watercourses and bodies of water and wetlands.
- [X] 7. Limits of floodplain.
- [X] 8. Existing topography.
- N/A 10. Level Three Soil Survey (if septic systems are to be used for wastewater treatment).

(c) Proposed Features:

- [X] 1. Layout of all proposed lots.
- [X] 2. Proposed new sidewalks, streets, alleys, driveways, parking areas, etc (to include proposed street/road names).
- [X] 3. Proposed zoning and land use.
- [X] 4. Existing buildings and structures to remain or be removed.
- [X] 5. Existing sidewalks, streets, driveways, parking areas, etc., to remain or be removed.
- [X] 6. Proposed retention/detention facilities and storm-water master plan.
X 7. Wastewater infrastructure master plan (to include reuse infrastructure if proposed).

X 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 his knowledge.

This ___ day of ___ , 2022

Applicant

Notary

Owner

Crystal Graham Higdon
Notary Public, Effingham County, Ga
My Commission Expires August 15, 2025