



Bulloch County Departmental Review Planning and Zoning Commission

Meeting Date: Thursday, March 09, 2006

App. #: RZ2006-020

Item #: 6

Re-Zoning

Applicant:	Cardell Dyches	Current Zoning:	AG-5
Application Type:	Re-Zoning	Requested Zoning:	R-40
Location:	12339 HIGHWAY 24	Current Use:	Single Family Dwelling
Map and Lot #:	158 000002 000	Requested Use:	Single Family Dwelling
Development Name:		Adjacent Use:	farmland,scatt hses
Acres in Request:	2.0	Futures Land Use:	ag,forest
# of Existing Lots:		Fire District\Distance:	Leefield/6
# of Potential Lots:		EMS Distance:	14
Adjacent Zoning:	AG-5	Elem\Middle\High School:	Brooklet/SEB/SEB

Purpose of Zoning Application:

Cardell Dyches has filed an application with the Bulloch County Zoning department requesting a rezone from AG-5 (Agricultural 5 acre lots) to R-40 (Residential 40,000 sq.ft. lots) on approximately 2 acres. The intent of the rezone to add another residence for his mother. The property is located on Hwy. 24.

Directions to Property:

Hwy. 24 to Gwinette 4 way stop. Turn left. Go 1.4 miles and the property is on the left.

<u>Standard</u>	<u>Additional Information</u>
1. The existing uses and zoning of nearby property.	The surrounding property is zoned AG-5.
2. The suitability of the property for the proposed purpose or the availability of other land suitable for the proposed area.	The property is suitable for residential use.
3. The length of time the property has been vacant as zoned.	Property currently has two (2) residences.
4. The extent to which the value of the property is diminished by the present zoning.	Property value is not diminished by present zoning.
5. The balance between the hardship on the property owner and the benefit to the public in not rezoning.	There would be not hardship on the property owner. There are currently two (2) residences on the property. (Medical Hardship on one of them)
6. The effect the proposed rezoning would have on the population density pattern, public service and facilities.	No effect.
7. The extent to which the zoning decision is consistent with the comprehensive land use plan of the county.	The request is not consistent with the Land Use Plan.
8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.	Zoning request would not adversely affect adjacent properties.
9. Wether there are substantial reasons why the property cannot be used in accordance with existing zoning.	Property is currently be used as residential.
10. Whether the change suggested is out of scale with the needs of the neighborhood or the county.	The zoning request is out of scale for the neighborhood.
11. Any other factors relevant to balancing the interests in promoting public health, safety, morality, or general welfare against the rights of unrestricted use of property.	None

PLANNING COMMENTS:

Property values for adjacent properties may be enhanced by the proposed development provided aesthetics restrictions are placed in private deed covenants, and, if enforcement of County land use and property maintenance regulations is applied. However, failure to enforce any property standards is likely result in stagnant or lower property values.

The change appears to be **inconsistent with the spirit and intent of the Zoning Ordinance.**

There is no evidence that the proposed change in use will **injure or detract from the neighborhood.**

WATER/SEWER IMPACT:

All properties are subject to on-site water supply and septic tank installation approval as required by the County Health Department. Soil types and proposed lot sizes are compatible and adequate for septic tank installation. (There are already two (2) residences on this property.)

TRAFFIC IMPACT:

The capacity and general condition of the roads accessing the proposed development is good to good. Highway 24 is a state paved road.

SCHOOL IMPACT:

No impact is expected on existing schools with the subdivision that has been recently been approved across the road.

PARKING, ROAD AND DRAINAGE IMPACT:

Currently all drainage is natural with no known man-made improvements to the existing development other than roadside drainage ditches and culverts. The access way/driveways to the site should have property roadside drainage measures.

E-911 AND EMERGENCY MANAGEMENT IMPACT:

The proposed development poses no problems for E-911 communications.

LAW ENFORCEMENT IMPACT:

Response time would be inadequate. Response time from Bulloch County Sheriff's Department is twenty (20) minutes or less. However, depending on patrolling patterns and the location of deputies at a given time, this response may be greater or lesser.

SOLID WASTE IMPACT:

None expected.

FINAL STAFF RECOMMENDATIONS:

The subject property does not appear suitable for the proposed change to allow for a rezone to R-40 on the property. The property provides a reasonable economic use as currently zoned, and is expected to continue providing a reasonable economic use if the rezone is approved.

No overload or major change is expected on public services, such as schools, as the mere result of a rezone approval for the district/zone boundary.

The staff recommends denial of the rezone request. There is currently a Medical Hardship Variance approved for this property that allows for the second dwelling unit. This can be continued until such time as the medical hardship ceases to exist. The surrounding property is zoned AG-5.

Participants:

Tom Couch, County Manager; Andy Welch, County Planner; Cheryl Tatum, Zoning Administrator; Kirk Tatum, Public Works Director; Brad Wiggins, Bulloch County Health Department; and Bob Smith, Environmental Manager.

Planning and Zoning Commission	
Vote	For Against:
Conditions	
Issues	
Opposition	

