

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: Map Amendment Application Z-22-01

DATE: May 6, 2022

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION: N/A

☐ **STATUS REPORT**

~~ANNUAL-~~

☐ **OTHER**

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: May 16, 2022

PURPOSE: Present to the Board application Z-22-01: Bowersox & Defoor Development Inc. has applied for a map amendment to change the land use district of a 42.28 acre tract located on Ben Jones Road from AG, Agricultural District to LI, Low Intensity District for development as a residential single family subdivision (Map 097 Parcels 058 and 064).

BACKGROUND / HISTORY:

1. The proposed map amendment totals 42.28 acres and consists of two parcels with one on either side of Ben Jones Road.
 2. The applicant has asked for LI District to construct a single-family home subdivision on the site. LI would allow the development with one acre lot minimums while AG requires three acres.
 3. The applicant stated he think he can get 25 lots on the two parcels and he intends to minimize clearing. He said the roads will be cleared and the homes sites with the remainder of the property to remain wooded.
 4. All of the surrounding properties are within the LI District. The predominant uses in the area are residential single-family homes or agricultural, primarily forestry.
 5. There is a 1.02-acre tract abutting the property but most of the other tracts are a minimum of 2.5 to 4 acres. There are also several larger tracts in the area.
 6. We had four people speak against the proposed map amendment. There were a number of concerns expressed regarding traffic in the area. It was stated that the sight distance in the area was substandard and dangerous. Concerns were also expressed about the amount of traffic for a 25-home subdivision. Staff stated this meeting was for a map amendment.
 7. The Planning Commission tried to reiterate to the citizens that the subdivision, if approved, would be required to meet all of our stream buffer setbacks, environmental regulations, and sight distance requirements.
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FACTS AND ISSUES: **FACTS AND ISSUES:** The Planning Commission forwards this application to the Board with a recommendation of Approval.

OPTIONS: The Board of Commissioners could act on this application as follows:

1. Approval of the request as recommended by the Planning Commission;
 2. Denial of the request as submitted;
 3. Commission defined alternative.
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RECOMMENDED SAMPLE MOTION: I move to approve Map Amendment Z-22-01 as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____



HABERSHAM COUNTY

Planning & Development

130 Jacob's Way, Clarkesville, GA 30523

706-839-0140

www.habershamga.com

Habersham County Planning Commission Map Amendment

Staff Report

APPLICATION NUMBER: Z-22-01

REQUESTED ACTION: Clayton Defoor is seeking a map amendment to re-zone some property from AG to LI to allow for a new residential development. The tract is located on Ben Jones Rd. and is further identified as Map 097 Parcel 058.

PETITIONER:

Clayton Defoor
1353 Riverstone Pkwy
Suite 120-172
Canton, Ga. 30114

PROPERTY OWNER:

Bowersox & Defoor Development Inc.

EXISTING USE: Agriculture

PROPOSED USE: Low Intensity

LOCATION: Ben Jones Rd.

PARCEL SIZE: 42.28 acres **MAP# 097 PARCEL(S)# 058**

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	Current Character Area
Parcel	AG	Rural
North	LI	Rural
East	LI	Rural
West	LI	Rural

MEETING DATES: Planning Commission: May 3, 2022

Board of Commissioners: May 16, 2022

PLANNING ANALYSIS:

1. **The existing land uses and zoning classification of nearby property;**
This parcel as well as adjoining properties all share the same character area of Rural with a mixture of Zoning classifications of AG – Agriculture & LI – Low Intensity.
2. **The suitability of the subject property for the zoned purposes;**
The configuration, size and intent are suitable for LI - Low Intensity which is the classification of the desired Zone requested for.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions;**
The AG District limits the permitted use and proposal of this property. The LI District will allow for the intended purpose that could not occur under the current zoning.
4. **The extent to which the diminution of property values of the subject property promote the health, safety, morals or general welfare of the public;**
Staff feels there is no diminution of property values. Rezoning to LI will help to maintain the value of properties in this area.
5. **The relative gain to the public, as compared to the hardship imposed upon the individual property owner;**
Relative gain and the relinquish of the hardship are both a result of the allowance of the zoning change.
6. **Whether the subject property has a reasonable economic use as currently zoned;**
Parcel has an economic use as a Low Intensity site and/or use.
7. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;**
Proposed zoning is suitable in view of use and development of adjacent and nearby properties.
8. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;**
No adverse effects other than more traffic are expected on neighboring properties.
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan;**
The Comprehensive Plan identified this area as residential/rural. The proposed district change will be in conformity with the CLDO.
10. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**
The zoning proposal should not cause an excessive or burdensome use of existing infrastructure.
11. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**
This rezoning proposal will not change the overall character of the area.

Staff Recommendation:

The purpose and plan of this proposal is one that could be beneficial. The parcel is located in an area that is easily accessible by county road. This parcel is currently zoned AG. Rezoning to LI will allow for more flexibility and better intended use of this property. Bringing a new residential development to the neighborhood would open the doors for new growth as well as much needed housing that Habersham County so desperately needs. Therefore the Planning & Development Staff recommend approval of **Z-22-01**.

The Planning staff recommendation to the Planning Commission is:

☒ Approve as Submitted

☐ Approval with Conditions

☐ Denial

☐ Table

Planning Commission recommendation:

☒ Approve as Submitted (5-3-22)

☐ Approval with Conditions

☐ Denial

☐ Table

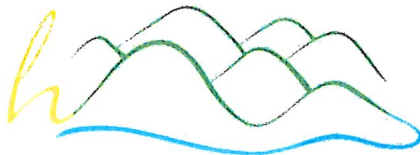
Board of Commissioners decision:

☐ Approve as Submitted

☐ Approval with Conditions

☐ Denial

☐ Table



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning Department

130 Jacob's Way, Suite 104, Clarkesville, GA 30523

706-839-0140

Fax: 706-754-1761

www.habershamga.com

APPLICATION TYPE; Variance: _____ Conditional Use: ____ Map Amendment: X
[Check ☒ appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact CLAYTON DEFOOR

Address 1353 RIVERSTONE PKWY, SUITE 120-172 City CANTON State GA Zip 30114

Telephone # () 404-822-7257 Cell Telephone # () _____

Fax# () _____ E-Mail clayton_defoor@yahoo.com

Property Owner(s): Bowersox & DeFoor Development Inc

Address 1353 RIVERSTONE PKWY, SUITE 120-172 City CANTON State GA Zip 30114

Telephone # () 404-822-7257 Cell Telephone # () _____

Fax# () _____ E-Mail clayton_defoor@yahoo.com

Agent: JAMES IRVIN

Address 164 PROFESSIONAL DRIVE City BALDWIN State GA Zip 30511

Telephone # () 706-778-0067 Cell Telephone # () (404) 379-1583

Fax# () _____ E-Mail jirvin@foothillsld.com

Location of Property: BEN JONES ROAD, CLARKESVILLE, GA

Street Address: BEN JONES ROAD, CLARKESVILLE, GA

Acreage of Site: 42.28 ACRES Tax Map & Parcel#: 097 058

Existing LU District: AG 2029 Map /District: RESOURCE CONSERVATION

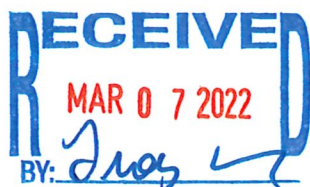
Action Requested: REZONE FROM AG TO LI-R

Cite Pertinent Section(s): _____

Existing Use: NONE

Proposed Use: 1 ACRE LOT SUBDIVISION WITH COMMON AREAS FOR RESIDENTS

(A metes and bounds legal description may be required. Also attach a boundary survey of the property if available.)





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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed below is authorized to act as the applicant and/or agent in the pursuit of the proposed application of this property.

Clayton DeFoor
Clayton DeFoor (Feb 17, 2022 14:09 EST)

2 / 17 / 22

Signature of Property Owner/Executor/Officer

Date of Signature

BOWSER SOX & DEFOOR DEVELOPMENT, INC.

CLAYTON DEFOOR

Estate /Company /Corporation

Authorized Agent (Please Print)

Clayton DeFoor
Clayton DeFoor (Feb 17, 2022 14:09 EST)

2 / 17 / 22

Signature of Authorized Agent

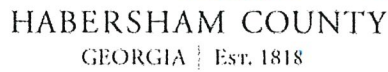
Date of Signature

Estate /Company /Corporation

Authorized Agent (Please Print)

Signature of Authorized Agent

Date of Signature



Planning Department

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Required For All Applications Regarding the Comprehensive Land Development Resolution

When any application is made for a Public Hearing with regards to the Comprehensive Land Development Resolution within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing body of the respective local government showing:

- (1). the name and official position of the local government official to whom the campaign contribution was made; and
- (2). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3). The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff. If the disclosure is not provided to the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

Within the two (2) years immediately preceding this date, I have; _____ I have not ✓; (please ✓ one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

Name of Official(s)	Office	Amount	Date of Contribution
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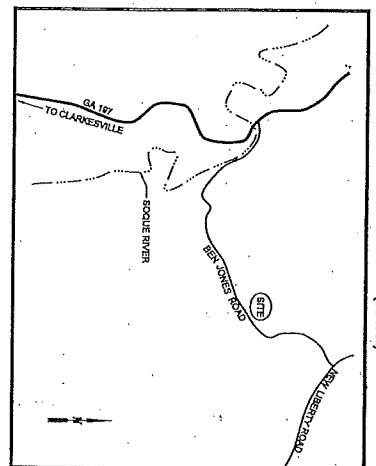
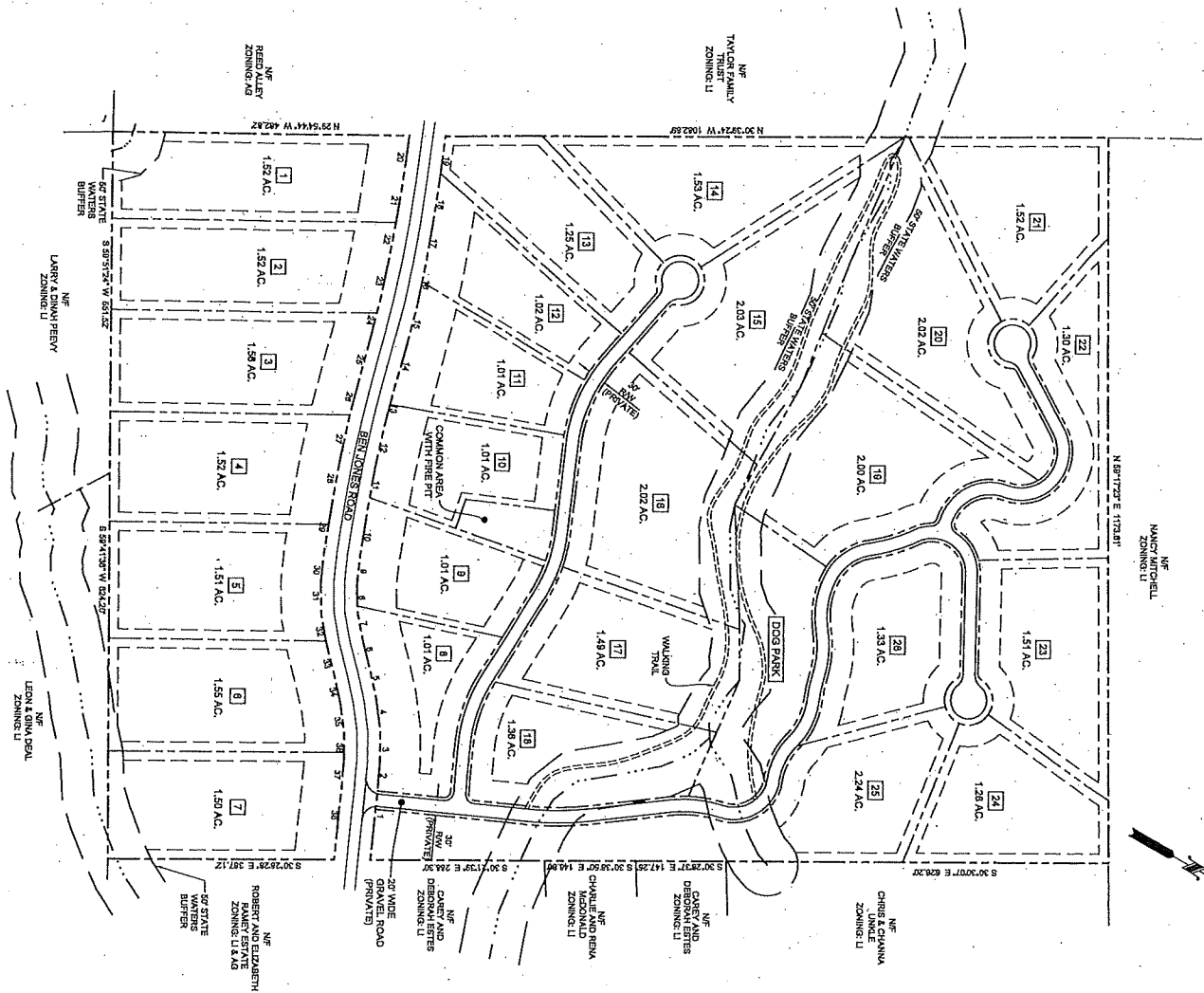
Applicant's Name (Please Print)

Clayton DeFoor
Clayton DeFoor (Feb 17, 2022 14:09 EST)

Signature of Applicant

2/17/22
Date of Signature

ID	Bearing	Distance	ID	Bearing	Distance
1	S 68°30'38" W	108.87'	20	N 67°20'46" E	66.57'
2	S 64°55'05" W	42.71'	21	N 68°20'18" E	66.23'
3	S 68°42'10" W	52.83'	22	N 68°20'17" E	62.48'
4	S 61°44'33" W	52.18'	23	N 71°34'38" E	65.48'
5	S 48°30'44" W	50.27'	24	N 71°44'20" E	65.54'
6	S 45°05'11" W	47.25'	25	N 75°08'05" E	67.21'
7	S 46°46'40" W	44.54'	26	N 74°15'16" E	67.07'
8	S 68°27'53" W	44.54'	27	N 72°20'27" E	70.59'
9	S 68°30'10" W	44.79'	28	N 70°33'45" E	65.46'
10	S 68°57'18" W	84.65'	29	N 68°37'18" E	68.36'
11	S 70°03'45" W	63.65'	30	N 68°37'10" E	50.28'
12	S 72°20'27" W	63.41'	31	N 68°27'53" E	53.38'
13	S 74°14'18" W	65.55'	32	N 48°46'40" E	51.63'
14	S 73°08'05" W	67.21'	33	N 48°00'11" E	48.48'
15	S 71°34'38" W	67.21'	34	N 47°30'44" E	47.08'
16	S 71°44'20" W	67.25'	35	N 51°42'10" E	45.32'
17	S 68°27'17" W	85.15'	36	N 64°55'05" E	48.87'
18	S 68°20'17" W	67.25'	37	N 68°30'50" E	115.05'
19	S 67°28'47" W	77.24'	38		



- GENERAL NOTES:
1. TOTAL SITE AREA: 42.34 ACRES
 2. TOTAL TRACT: 487.36 AC
 3. TOTAL TRACT: 487.36 AC
 4. OVERSEAS/ADJACENT: OVERSEAS & ADJACENT DEVELOPMENT, INC.
 5. 34 ACRES: CANTON, GA 30114
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 38. 34 ACRES: CANTON, GA 30114

REVISIONS:	NO.	DESCRIPTION	DATE

REZONING PLAN
STILL PROPERTY

OWNER/DEVELOPER:
BOWERSOX & BOWERSOX

164 PROFESSIONAL DRIVE



DATE/FEB

SCALE

ST

