

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Map Amendment Application Z-26-01

DATE: October 8, 2026

BUDGET INFORMATION: N/A
ANNUAL-
CAPITAL-

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

COMMISSION ACTION REQUESTED ON: October 19, 2026

PURPOSE: Present to the Board application Z-26-01: Jonathan Smith has applied for a map amendment to rezone 5.82 acres from AG, Agricultural District to SR, Suburban District at 2101 Cody Road (tax parcel 130 187D).

BACKGROUND / HISTORY:

1. The applicant owns 8.82 acres at 2101 Cody Road. The property is vacant and is part of larger tract that was broken up into five tracts in 2014 as part of an estate.
 2. The applicant has stated it is his intention to subdivide the property into one acre lots. He would be limited to a maximum of three lots unless he wants to make it a major subdivision. He stated the lots may go to family members or he may sell them.
 3. The property was zoned AG, Agricultural District in the previous zoning so it was added to AG in the new zoning. There is GC, General Commercial District property, Habersham Hills movie theater, immediately to the south. All other bordering properties are AG.
 4. The area is in the Suburban Transition Character Area in the Comprehensive Plan which recommends residential uses.
 5. The surrounding area is largely developed with single-family homes, agricultural, and commercial uses.
 6. The applicant's father spoke in favor of the request stating a property owner should be able to use his property as he sees fit and there is a need for more housing.
 7. Doug MacDonald spoke in opposition to the rezoning request. He supported keeping the AG District to support farming. It was stated that single family homes cost more in taxes than the revenue.
 8. The Planning Commission discussed the need for agriculture land in Habersham. It was also mentioned that single family homes tend to require more in services than the tax revenue. One of the Commissioners mentioned the property was 5.82 acres and not large enough for agriculture purposes.
 9. There was a motion to approve the rezoning which died for a lack of a second. There was a motion made to recommend denial which was passed.
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FACTS AND ISSUES: FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Denial.

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

1. Denial of the request as recommended by the Planning Commission;
 2. Approval of the request as submitted;
 3. Commission defined alternative.
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-

RECOMMENDED SAMPLE MOTION: I move to deny Map Amendment Z-26-01 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-26-01

REQUESTED ACTION: Jonathan Smith is seeking a Map Amendment to rezone his property from Ag – Agriculture to SR – Suburban Residential. The tract is located at 2101 Cody Rd. and is further identified as Map 130 Parcel 187D.

PETITIONER:

Jonathan Smith
1443 E. Mize Rd.
Demorest, GA. 30535

PROPERTY OWNER:

Same

EXISTING USE: Agriculture.

PROPOSED USE: Residential.

LOCATION: 2101 Cody Rd.

PARCEL SIZE: 5.82 acre(s)

MAP# 130 PARCEL# 187D.

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	Current Character Area
Parcel	AG	Suburban Transition
North	AG	Suburban Transition
South	AG	Suburban Transition
East	AG	Suburban Transition

MEETING DATES: Planning Commission: October 6, 2026

Board of Commissioners: October 19, 2026

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 Suburban Transition. The parcel in the proposal is zoned AG – Agriculture along with the neighboring properties.
2. **The suitability of the subject property for the zoned purposes;**
The configuration, size and intent are suitable for SR – Suburban Residential.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions;**
An SR District will allow for the intended purpose. See Article 3 Sec. 3.2.4 in the Habersham County UDO.
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. An SR district 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 Suburban Residential 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 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 Suburban Transition The proposed change will be in conformity with the UDO.
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 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 proposal should not change the overall character of the area.

Staff Recommendation:

Mr. Jonathan Smith is seeking a Map Amendment to rezone a parcel from AG – Agriculture to SR – Suburban Residential. The applicant wishes to rezone the parcel to Suburban Residential which will allow (1) acre minimums. Plans are to split up the parcel into smaller acreage in the future for family. Staff feels that approval of this change should not interfere with the balance or harmony of the community. Therefore, Planning Staff recommends **approval** of **Z-26-01**.

☒ Approve as Submitted
☐ Denial

☐ Approval with Conditions
☐ Table

Planning Commission recommendation:

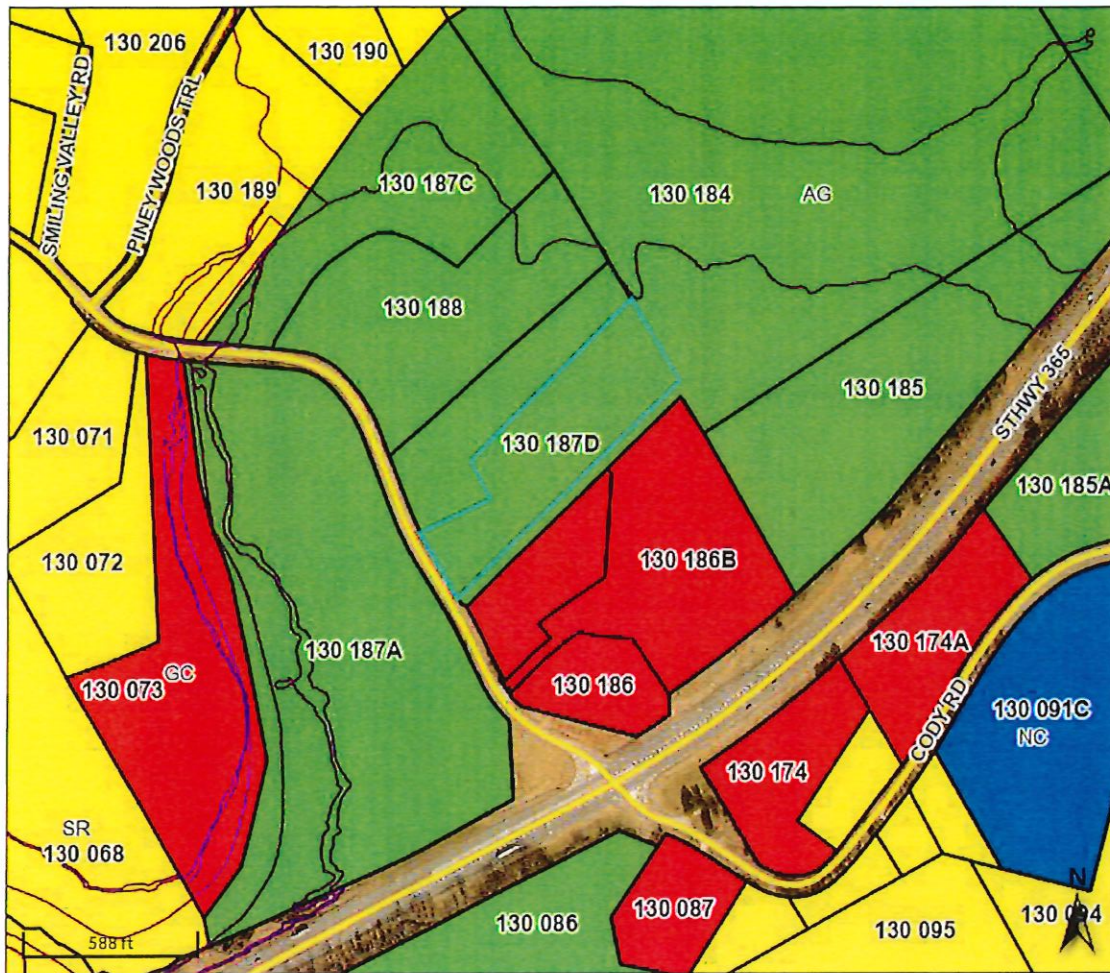
☐ Approved
☒ Denial (10-6-26)

☐ Approval with Conditions
☐ Table

Board of Commissioners decision:

☐ Approved
☐ Denial

☐ Approval with Conditions
☐ Table



Overview



Legend

- Parcels
- Roads
- Flood Map

Parcel ID	130 187D	Alternate ID	515610	Owner Address	NORTON DENNIS JAMES
Sec/Twp/Rng	n/a	Class	Residential		2357 CODY RD
Property Address	2101 CODY RD	Acreage	5.82		MT AIRY, GA 30563
District	COUNTY				
Brief Tax Description	12-32 OFF DOGTOWN PB 66-40 1055-249				
	(Note: Not to be used on legal documents)				

Flood Map Disclaimer: The data shown is provided as a reference only and does not imply accuracy with regard to horizontal or vertical location. This data is not to be employed to determine any base flood elevations for National Flood Insurance.

FEMA provides access to the National Flood Hazard Layer (NFHL) through web mapping services. The NFHL is a computer database that contains FEMA's flood hazard map data. The simplest way for you to access the flood hazard data, including the NFHL, is through [FEMA's Map Service Center \(MSC\)](#). If you want to explore the current digital effective flood hazard data in a map, the best tool to use is the [NFHL Viewer](#). From the NFHL Viewer, you may view, download, and print flood maps for your location

Date created: 9/24/2026

Last Data Uploaded: 9/24/2026 1:50:22 AM

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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: ☒

[Check ☒ appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact Jonathan Smith
Address 1443 E Mize Rd City Demoorest State GA Zip 30535
Telephone # () _____ Cell Telephone # (706) 386-2502
Fax# () _____ E-Mail jonathan.smith2502@gmail.com
Property Owner(s): Jonathan Smith
Address _____ City _____ State _____ Zip _____
Telephone # () _____ Cell Telephone # () _____
Fax# () _____ E-Mail _____
Agent: _____
Address _____ City _____ State _____ Zip _____
Telephone # () _____ Cell Telephone # () _____
Fax# () _____ E-Mail _____
Location of Property: 2101 Coody Rd. Mt Airy 30563
Street Address: _____
Acreage of Site: 5.82 Tax Map & Parcel#: 130-187D
Existing LU District: AG 2029 Map /District: _____
Action Requested: Rezone to LI SR from AG
Cite Pertinent Section(s): _____
Existing Use: Agricultural
Proposed Use: Residential

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



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CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Required For All Applications Regarding the Comprehensive Land Development Resolution

Disclosure of Campaign Contributions:

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.

I hereby certify that I have ____; I have not X; (please $\checkmark$ one) read the above and that:

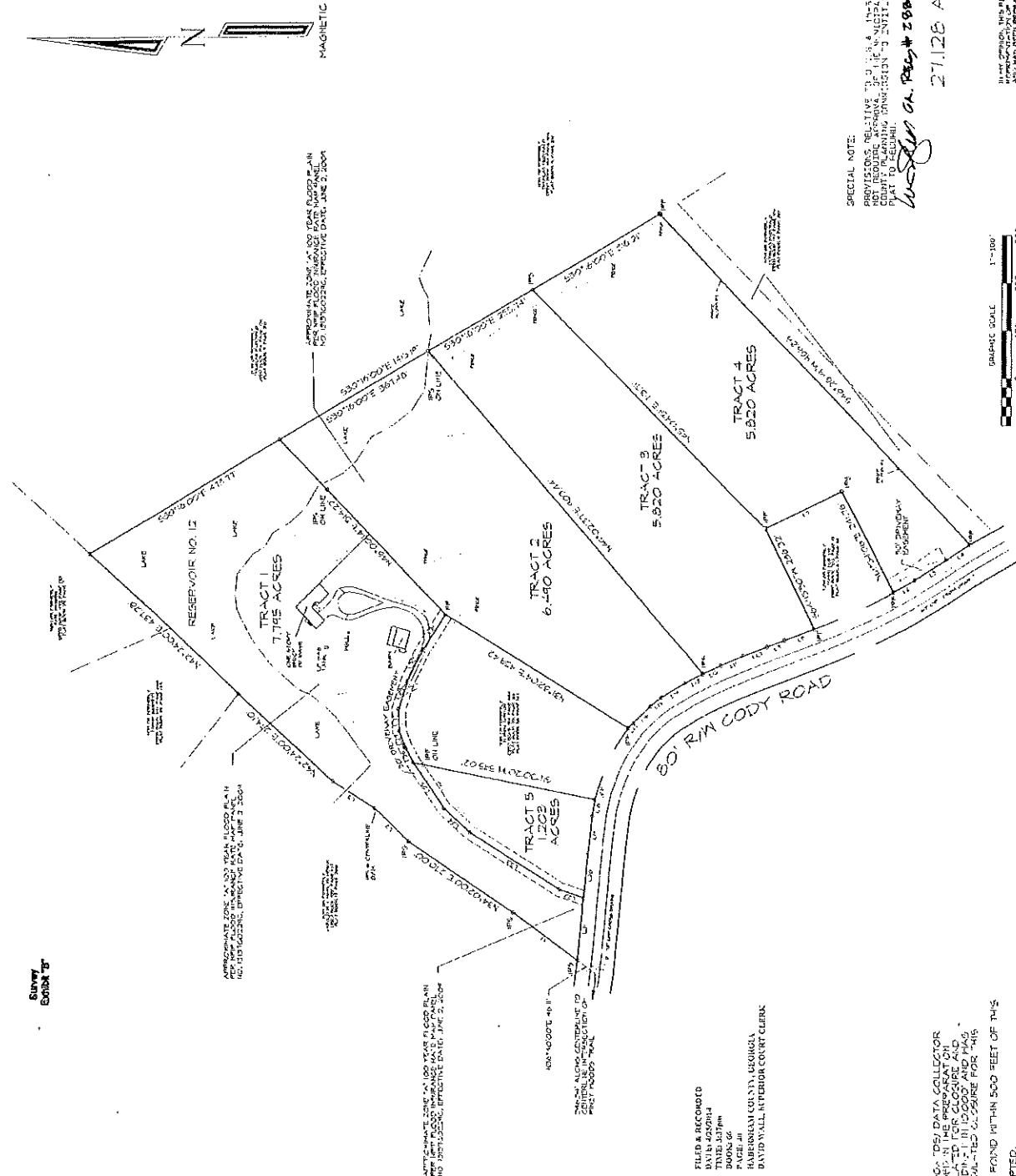
Within the two (2) years immediately preceding this date, I have: ____ I have not X; (please $\checkmark$ one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

Name of Official(s)	Office	Amount	Date of Contribution
<u>Jonathan Smith</u>			<u>6/10/26</u>
Applicant's Name (Please Print)			
<u>[Signature]</u>			
Signature of Applicant			
			Date of Signature



LEGEND
T/PF = IRON PIN FOUND
IPS = BUILDING SET
BL = BUILDING LINE
PL = PROPERTY LINE
LL = LAND LOT LINE
R/W = RIGHT OF WAY
WM = WATER METER
DE = DRAINAGE EASEMENT
SSE = SANITARY SEWER
UB = UTILITY
CD = CROSS DRAIN
HM = HEAD MALL



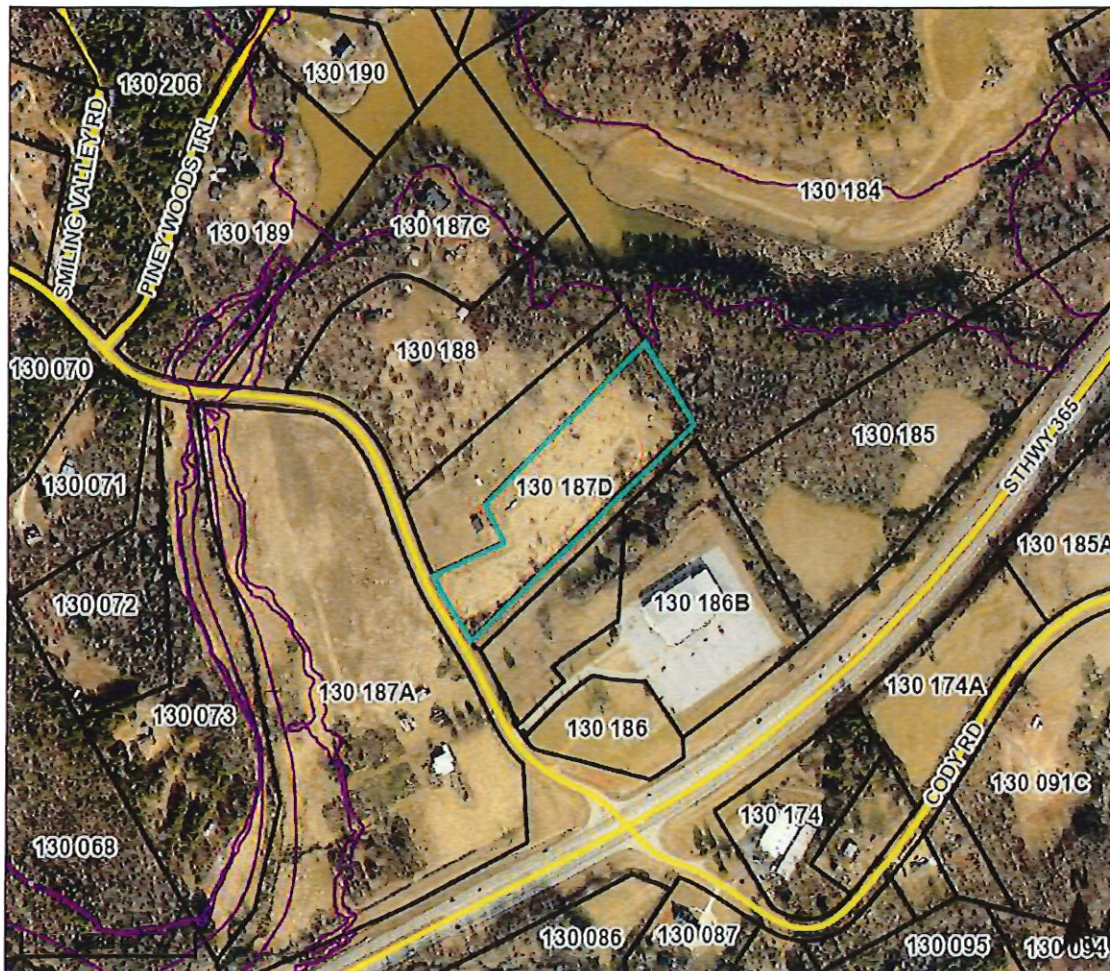
SPECIAL NOTE:
THIS SURVEY WAS CONDUCTED BY GRESHAM PLANNING & DEVELOPMENT, INC. ON 11/11/03. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT OF 1997. THE SURVEY WAS CONDUCTED BY A LICENSED SURVEYOR. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT OF 1997. THE SURVEY WAS CONDUCTED BY A LICENSED SURVEYOR.

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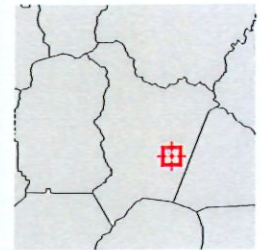
GENERAL NOTES
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DATE 11/11/03
BY [Signature]
PAGE 44
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DAVID WALL, CLERK



Overview



Legend

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- Roads
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