

Staff Report

Subject: Variance
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Department: Development Services
Meeting Date: April 15, 2025

Item Description: James William Exley request approval for a **variance from Appendix B Article VI Section 6.2 to reduce the required width of an access easement located on HWY 119 (Third District) [Map#402 Parcel #1].**

Summary Recommendation

Staff has reviewed the application and recommends **approval** for the **variance**.

Executive Summary/Background

- The requested approval of the **variance** is a requirement of **Article VI – Required Improvements Section 6.2.12 Subdivision access or subdivision of three lots or less:**

The purpose of this section is to:

*6.2.12 Minor subdivision **access** or subdivision of three lots or less. Lots in a minor subdivision or subdivision of three lots or less shall be served by a public street. The county commission may allow a private **access** road with the following conditions:*

- 1. A private unpaved road with a minimum **easement** of 60 feet in width may serve no more than three lots, including the remaining tract, in a single-family residential zoning district.*
- 2. The subject property may not have been rezoned subsequent to the adoption of this revision.*
- 3. The land to be divided existed as a lot of record on the effective date of these regulations and has not been subdivided since the effective date of this these regulations.*
- 4. It is unlikely, because of existing development, natural features, or other conditions, that the private road will be extended or otherwise connect with an existing or future street or serve other adjacent properties.*
- 5. One of the lots within the subdivision abuts on a public street. This lot shall be included as one of the three lots. This requirement may be waived if the parcel to be subdivided is currently served by a private road at the time of the adoption of these regulations.*
- 6. The private **access** road shall intersect with an existing public street.*
- 7. Lots served by a private **access** road may not be re-subdivided unless the private road is upgraded to county street standards.*
- 8. The plat of each lot served by a private **easement** shall state the following: "This lot is served by a private road, not to be maintained by Effingham County nor accepted as a public road unless 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. This lot may*

not be re-subdivided until said road, at the subdivider's expense, is brought into compliance with county road standards to be accepted as a public road by the Effingham County Board of Commissioners." This statement shall also be recorded in a covenant to be recorded in the deed of each lot.

- The current property is approximately 31 acres and in a 2018 CUVA.
- The property is zoned AR-1.
- The applicant is requesting to reduce the required width of an access easement. Currently the property has a non-conforming 15ft access easement, and the applicant is requesting the variance to come into compliance, as they are unable to obtain a 60ft easement.
- As per the Effingham County Ordinance, a minor subdivision (3 lots or less) may be served with a private access unpaved road, as long as there is an easement of 60ft in width.

Determination:

Staff has reviewed the application, and it is complete.

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Site Plan 2. Permit Application