

## Staff Report

**Subject:** Variance (Second District)  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** February 15, 2022  
**Item Description:** **Tracy Fleming** requests a **variance** to allow for the use of a camper/RV as a temporary dwelling during the construction of a residence at 138 Pine Drive, zoned **AR-1**. **Map# 451C Parcel# 68**

### Summary Recommendation

Staff has reviewed the application, and recommends **approval** of the request for a **variance** to allow the use of a camper/RV as a temporary dwelling during the construction of a residence.

### 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.*

- A building permit application (# 202102330) has been approved.
- The mobile home on site is to be removed prior to construction. The new home will occupy the same location. Applicants wish to live on site during construction of their new home.
- At the January 31 Planning Board meeting, Alan Zipperer made a motion to **approve** the request for a **variance** to allow for the use of a camper/RV as a temporary dwelling during the construction of a residence at 138 Pine Drive, with the following conditions:
  - The camper may be occupied for up to twelve (12) months during construction.
  - Upon issuance of the certificate of occupancy for the house construction, the camper shall be vacated and disconnected from the well and septic.
- The motion was seconded by Michael Larson, and carried unanimously.

### Alternatives

**1. Approve** the request for a **variance** to allow the use of a camper/RV as a temporary dwelling during the construction of a residence.

- The camper may be occupied for up to twelve (12) months during construction.
- Upon issuance of the certificate of occupancy for the house construction, the camper shall be vacated and disconnected from the well and septic.

**2. Deny** the request for a variance to allow for the use of a camper/RV as a temporary dwelling during the construction of a residence.

**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: 12/8/2021

Applicant/Agent: Tracy Fleming

Applicant Email Address: jjtg48@gmail.com

Phone # 912-655-2874

*mail to*

Applicant Mailing Address: 101 Ridenour Place

City: Beaufort State: SC Zip Code: 29902

Property Owner, if different from above: \_\_\_\_\_

*Include Signed & Notarized Authorization of Property Owner*

Owner's Email Address (if known): jjtg48@gmail.com

Phone # 912-655-2874

Owner's Mailing Address: 101 Ridenour Place

City: Beaufort State: SC Zip Code: 29902

Property Location: 138 Pine Dr Rincon GA 31326

Name of Development/Subdivision: Goshen Hill Farms

Present Zoning of Property AR-1 Tax Map-Parcel # 451C-68 Total Acres 1.57

**VARIANCE REQUESTED** (provide relevant section of code): \_\_\_\_\_

Describe why variance is needed: We are building and

want to live in Our RV during building  
~~to 8 months~~ <sup>12</sup> 12 months requested

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

Applicant Signature: Tracy Fleming Date 12/8/2021

Rev 05052021

*202102262 (Slab permit for garage)*

**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

December 16, 2008, on file in the office of the Clerk of the Superior Court of  
Effingham County, in Deed Book 1811 page 138.

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 *Tracy Fleming*  
Print Name Tracy Fleming

Owner's signature \_\_\_\_\_  
Print Name \_\_\_\_\_

Owner's signature \_\_\_\_\_  
Print Name \_\_\_\_\_

Sworn and subscribed before me this 21<sup>st</sup> day of December, 20 21.

*Kathleen Erin Dunning*  
Notary Public, State of Georgia





BOOKED PAGE  
BOOK  
01811 PAGE NO 0138

2008 DEC 23 PM 1:06

ELIZABETH Z. HURSEY  
CLERK E.C.C.S.C.

Welch & Tetreault, LLC  
306A Commercial Drive  
Savannah, Georgia 31406  
File # 080381

QUITCLAIM DEED  
The purpose of this deed is to correct  
grantee's name.  
STATE OF GEORGIA  
COUNTY OF EFFINGHAM

This indenture made the 16th day of December, 2008, by and between TRACY GROVENSTEIN as party or parties of the first part, hereinafter referred to as Grantor, and TRACY HAZZARD, as party or parties of the second part, hereinafter referred to as 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, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE 9TH GMD, EFFINGHAM COUNTY, GEORGIA, AND KNOWN AND DESIGNATED UPON A MAP OR PLAT OF GOSHEN HILLS FARMS MADE BY SEWELL & MAXWELL, ENGINEERS IN JANUARY OF 1959, RECORDED IN MAP BOOK 2, PAGE 20, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF EFFINGHAM COUNTY, GEORGIA, AS LOT NUMBER 68, PHASE ONE (1). SAID MAP OR PLAT IS HEREBY INCORPORATED HEREIN BY REFERENCE. MORE COMMONLY KNOWN AS 112 PINE DRIVE, RINCON, GEORGIA, 31326. PIN: 102H-60 138 JA

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 has set his hand and affixed his seal the day and year first above written.

*[Handwritten signature]*  
Unofficial Witness

*[Handwritten signature]*  
Notary Public



*[Handwritten signature]* (L.S.)  
TRACY GROVENSTEIN

Effingham County Department of Inspections  
 Call 24 Hours In Advance For Inspections 912-754-2128

Permit: 202102330  
 Parcel Id: 0451C068000  
 Plan Name: Fleming  
 Issued: 01/04/22  
 Fee: \$496.20  
 Owner: JOEL CARTER CONSTRUCTION  
 Phone: 912-677-6976  
 Location: 138 Pine Dr, Rincon, GA 31326  
 Lot Number: 68  
 Type: HOUSE  
 Flood Zone:  
 Flood Elevation Certificate Require \_\_\_\_\_  
 Job Descr: 138 PINE DRIVE / FLEMING  
 ERECT TSF 1768 HTD 1352 UNHTD 416 3BR/2BT  
 SHINGLE/SLAB/DRYWALL/VINYL

The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code Georgia Annotated. In order to protect any interest in such property and avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers.

REQUIRED INSPECTIONS

Type	Date	Approved By
Property Corners		
Pad		
Sawpole		
Footing		
Plumbing - Underslab		
Stemwall		
Slab Floor System		
Subfloor		
Nailing		
Housewrap/Windowseal		
Electrical Rough-in		
Plumbing Rough-in		
Mechanical Rough-in		
Framing Dry-in		
Insulation		
Driveway and Walks		
Grading		
Temporary Power		
Final		
Skirting		



**SURVEYOR'S CERTIFICATION**

The plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATION OR REQUIREMENTS OR SUITABILITY FOR ANY USE FOR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



DEED BOOK 1811 PAGE 138  
PLAT BOOK 2 PAGE 20

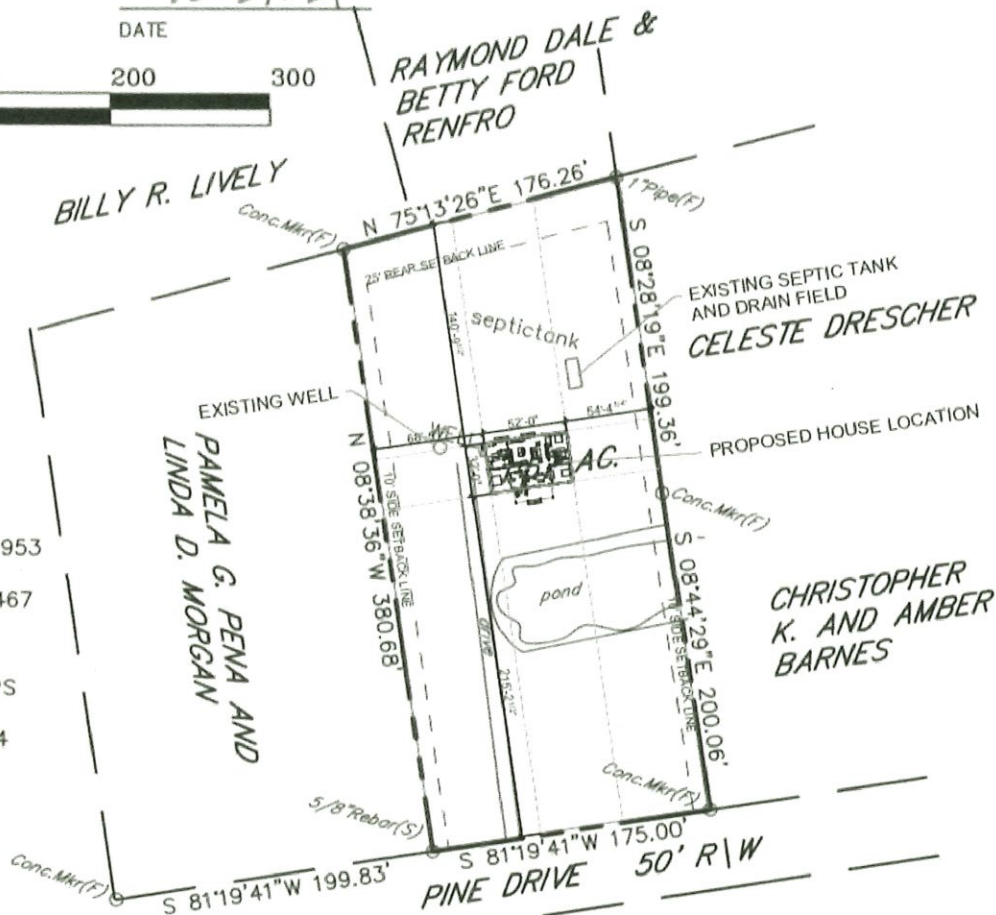
*Warren E. Poythress*  
WARREN E. POYTHRESS, REGISTERED LAND SURVEYOR, NO. 1953

*10-27-21*  
DATE



GRAPHIC SCALE - FEET

DATE: OCTOBER 27, 2021  
By: Warren E Poythress  
Registered Land Surveyor No. 1953  
Address: 991 Hunters Road  
Sylvania, Georgia 30467  
Cell Phone - 912-531-1453  
Telephone: 912-857-3288  
Equipment - Sokia GRS2 - GPS  
Topcon 303  
FINAL PLAT CLOSURE = 228504



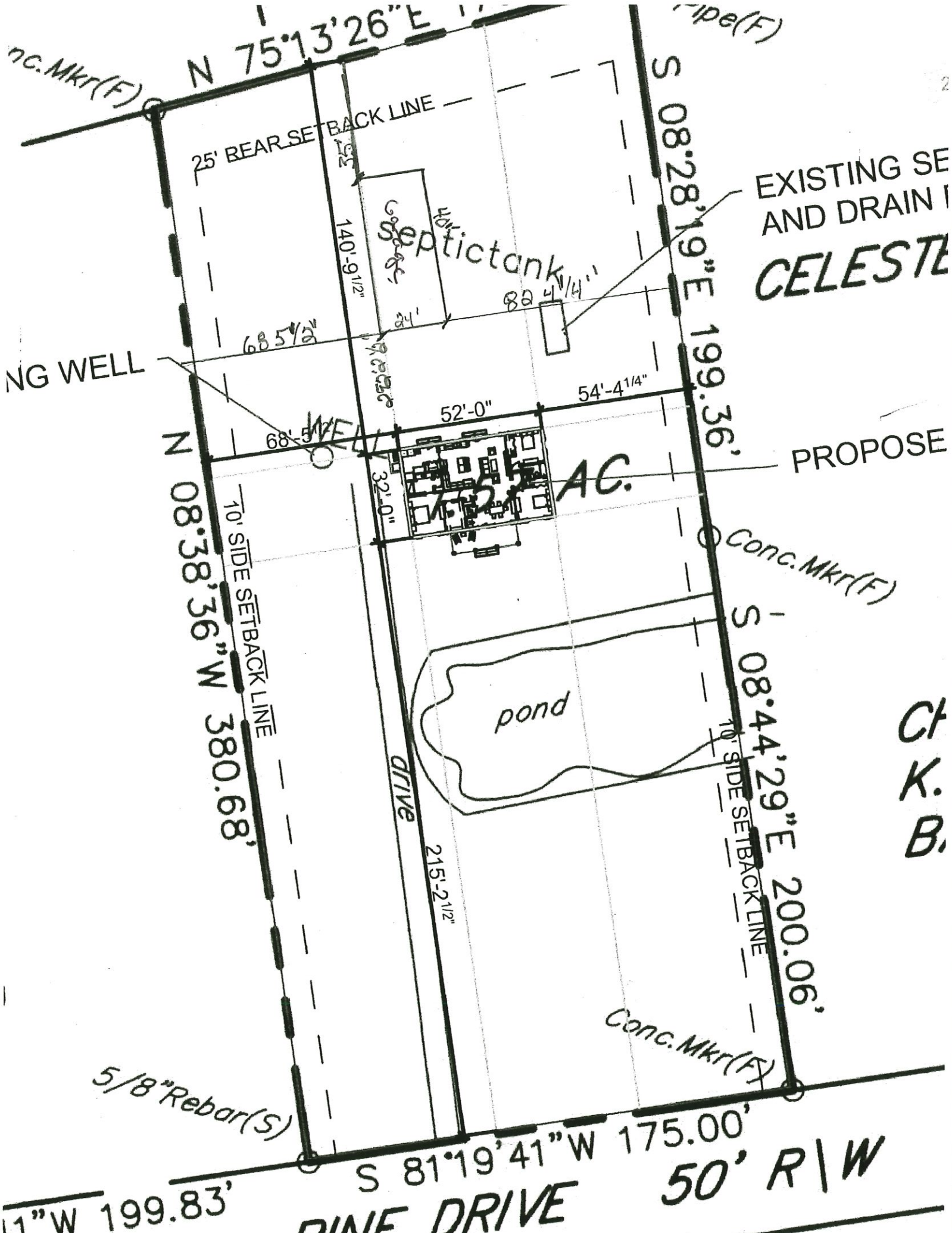
**PROPERTY SURVEY  
FOR  
TRACY M. FLEMING**

**LOCATION LOT 68, GOSHEN HILL  
FARMS, 9TH G. M. D., EFFINGHAM  
COUNTY, GEORGIA**

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.

Signing Authority  
DARRELL ONEAL

Title





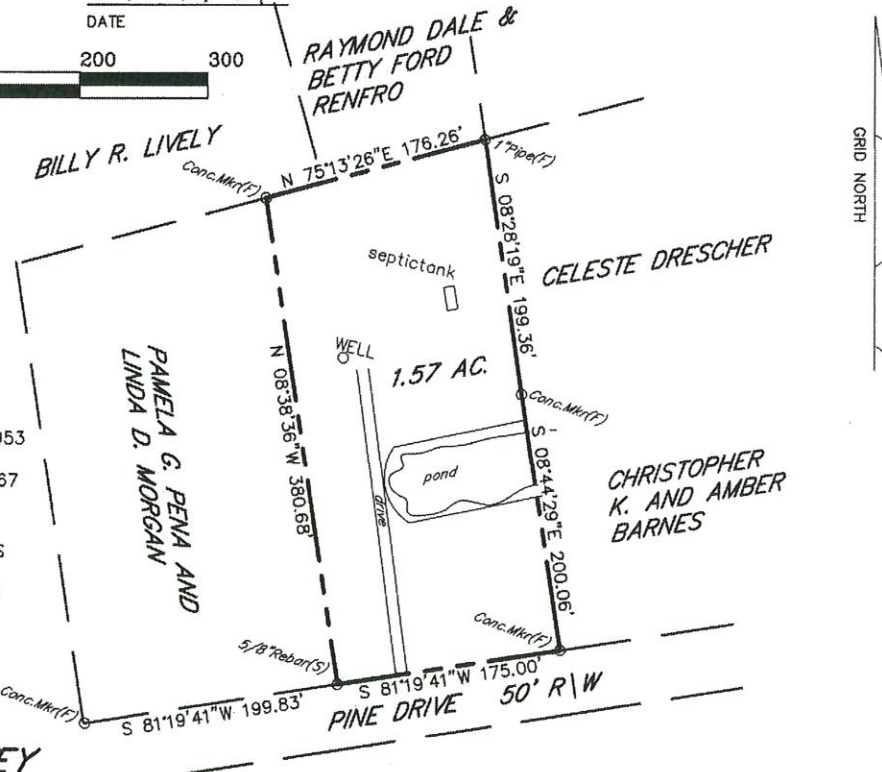
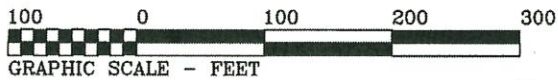
**SURVEYOR'S CERTIFICATION**

The plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATION OR REQUIREMENTS OR SUITABILITY FOR ANY USE FOR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



DEED BOOK 1811 PAGE 138  
PLAT BOOK 2 PAGE 20

*Warren E. Poythress*  
WARREN E. POYTHRESS, REGISTERED LAND SURVEYOR, NO. 1953  
DATE 10-27-21



DATE: OCTOBER 27, 2021  
By: Warren E Poythress  
Registered Land Surveyor No. 1953  
Address: 991 Hunters Road  
Sylvania, Georgia 30467  
Cell Phone - 912-531-1453  
Telephone: 912-857-3288  
Equipment - Sokia GRS2 - GPS  
Topcon 303  
FINAL PLAT CLOSURE = 228504

**PROPERTY SURVEY  
FOR  
TRACY M. FLEMING**

**LOCATION LOT 68, GOSHEN HILL  
FARMS, 9TH G. M. D., EFFINGHAM  
COUNTY, GEORGIA**

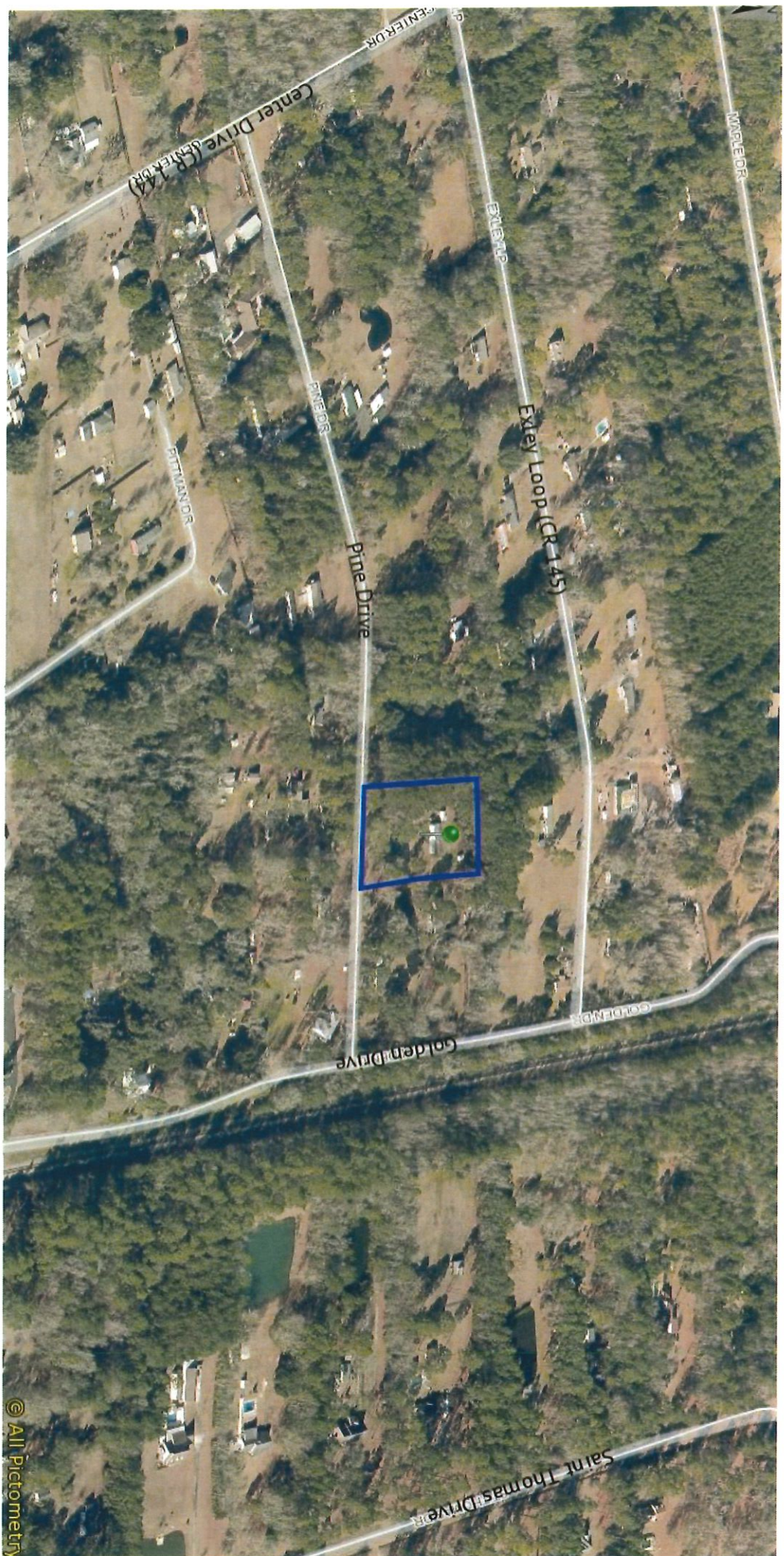
Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with 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.

Signing Authority  
DARRELL ONEAL

Title

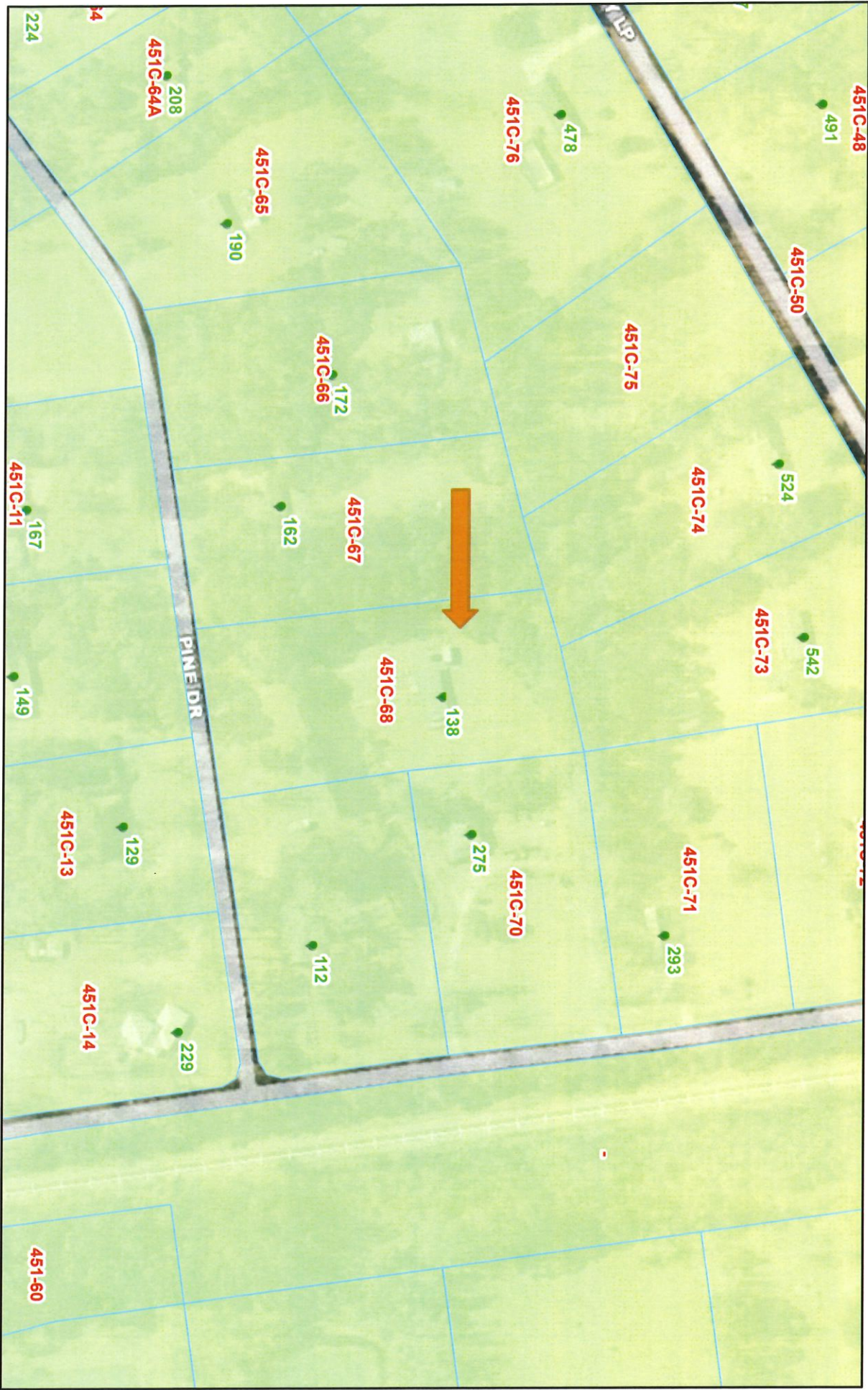


# 138 PINE DRIVE





# 138 PINE DRIVE



12/14/2021, 8:57:20 AM

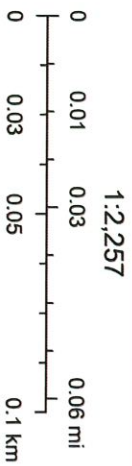
Address\_Points

Tax Parcel Labels Effingham County Zoning



Parcels2020

AR-1



Esri, Inc., City of Naperville, Illinois, Maxar, Microsoft