



Staff Report

Author: Kimberly Barlett, Senior Planner
Department: Development Services
Subject: Variance
Meeting Date: May 5, 2026
Application: VAR-26-16

Existing Zoning: AR-1 (Agricultural – Residential, 5 acres or more)

Map & Parcel: 465H-91B

Parcel Size: 0.37 acres

Applicant: Christopher Sparry
208 Westwood Drive
Rincon, Ga 31326

Owner(s): Christopher Sparry
208 Westwood Drive
Rincon, GA 31326

Commissioner District: Second District

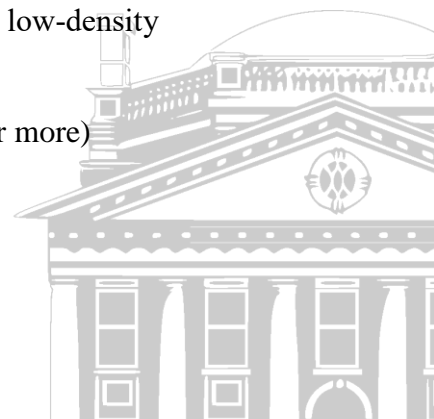
Location: 208 Westwood Drive
Rincon, GA 31326

Existing Land Use and Zoning:

The parcel is located on **Westwood Drive** in the Westwood Heights Subdivision. The parcel currently contains a stick-built home, as confirmed by the Effingham County Tax Assessor’s database. Access to the property is provided via Westwood Drive.

The subject parcel is a legal nonconforming lot of record. The parcel was created prior to the adoption of the current AR-1 zoning district standards, which require a minimum lot size of five (5) acres. The existing parcel contains approximately **0.37 acres** and therefore cannot meet the current minimum lot size requirement. Surrounding properties are zoned AR-1 and are characterized by low-density residential and agricultural uses:

- **North, South, East, and West:** AR-1 (Agricultural–Residential, 5 acres or more)





The Proposed Request:

The applicant is requesting a variance from the side-setback requirements in the AR-1 zoning district. The proposed project involves constructing an addition at the rear of the existing residence, including two bedrooms and one bathroom. Due to the lot's size and configuration, the addition is proposed to be located approximately 22 feet from the side property line; therefore, a variance is required.

Required AR-1 Setbacks

Front: 50 feet required → (no change requested)

Side: 25 feet required → 3 feet requested → 22 feet proposed

Rear: 50 feet required → (no change requested)

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Minimum lot area	5 acres
A maximum of two residential units are permitted per lot. These may consist of two principal dwellings, or one principal dwelling, and one accessory dwelling unit (ADU)	2 units
Minimum lot road frontage	100 feet
Minimum lot width at building line	150 feet
Minimum front yard setback	50 feet
Minimum rear yard setback	50 feet
Minimum side yard (interior) setback	25 feet
Minimum side yard (street/road easement) setback	50 feet

Facts and Findings:

Site Characteristics

The subject parcel contains **0.37 acres** and currently has a stick-built home on Westwood Drive. Access is provided directly from Westwood Drive. The parcel is rural in character and does not contain known **wetlands, floodplains, or environmental** constraints based on GIS County mapping.

Surrounding Development Pattern

The area surrounding the parcel consists primarily of rural residential homesteads and agricultural tracts. Development intensity remains low, with lot sizes predominantly ranging from less than 0.50 acres to one acre.

Zoning Context

The parcel is currently zoned **AR-1**, which requires a minimum lot size of five (5) acres. Surrounding properties are also zoned AR-1, reflecting agricultural homesteads to lower-density residential development. The applicant intends to construct an addition to the existing residence on this nonconforming lot, which is less than five acres in size. As a result, the existing zoning standards cannot be maintained without the approval of a variance to reduce the required setbacks and achieve compliance.

Infrastructure and Services

The property is consistent with the surrounding development. The property is served by **public water and septic**. Emergency access is adequate via Westwood Drive.

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Variance Criteria- Article IX- 9.1: *The board of commissioners shall not grant such variances unless it finds based on the evidence presented to it in each specific case that:*

a. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property, and;

b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, and;

c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, and;

d. The relief sought will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

Staff Analysis of Variance Criteria

(a) Public Safety and Welfare

The requested reduction in setback requirements is not expected to negatively impact public safety, health, or welfare. The proposed setbacks are consistent with the development pattern within the Westwood Heights subdivision, where homes were originally designed with similar setback configurations. The variance will allow the property to develop in a manner compatible with surrounding residential properties.

(b) Unique Conditions

The subject property is part of an older platted subdivision containing residential lots that are significantly smaller than the minimum lot size required by the current AR-1 zoning district. This condition is unique to the property and other lots within the subdivision that were created prior to adoption of the current zoning standards. The limited lot size and dimensions restrict the ability to meet modern setback requirements.

(c) Hardship

Because of the parcel's limited size and dimensions, strict application of the AR-1 setback requirements would significantly reduce the lot's buildable area and make development of a principal structure difficult or impractical. This hardship results from the property's physical characteristics and the historic subdivision layout, rather than from any action taken by the applicant.

(d) Consistency with the Ordinance and Comprehensive Plan

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The requested variance does not alter the permitted use of the property or conflict with the intent of the zoning ordinance. The request seeks only relief from dimensional standards necessary to permit reasonable residential use of a legally created lot. Approval of the variance would not vary the provisions of the Comprehensive Plan.

Comprehensive Plan:

The parcel is designated **Agricultural-Residential** on the **Future Land Use Map (FLUM)**. This category supports single-family and multifamily residential uses arranged within general net-density ranges. The intent is to ensure residential development patterns that are compatible with surrounding densities, building types, and established neighborhood character (Effingham County 2020–2040 Joint Comprehensive Plan, p. 37).



Recommendation:

The request is consistent with the Future Land Use Map and aligns with the intent of the zoning district. The proposal is unlikely to adversely affect surrounding properties. Based on the evidence presented and the findings contained in this report, staff finds that the request satisfies the variance criteria contained in Article IX, Section 9.1 of the Effingham County Zoning Ordinance. The hardship associated with this request arises from the physical characteristics of the property, specifically its narrow width and limited size, which make it difficult to meet current AR-1 setback requirements.

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