



Staff Report

Author: Kimberly Barlett, Senior Planner
Department: Development Services
Subject: Variance
Meeting Date: June 16, 2026
Application: VAR-26-24

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

Map & Parcel: 296-46

Parcel Size: 0.79 acres

Applicant: Michele Shuman
135 Blandford Crossing
Rincon, GA 31326

Owner(s): Beverly Boyles & et al.
1772 Central Ave
Guyton, GA 31312

Commissioner District: First District

Location: 1447 GA Hwy 17 South
Guyton, GA 31312

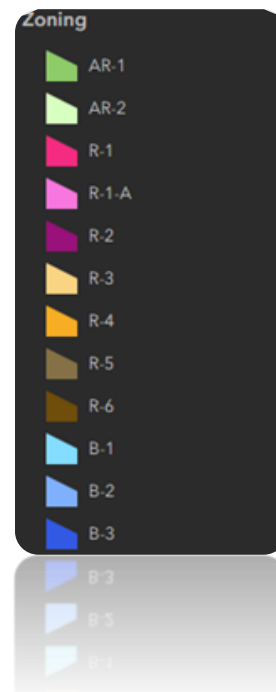
Existing Land Use and Zoning:

The subject parcel is located at **1447 GA Hwy 17 South** and contains one stick-built home, as identified in the Effingham County Tax Assessor’s database.

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 0.79 acres.



Surrounding Neighborhood	
• North:	B-3 (Major Commercial)
• South:	AR-1 (Agricultural–Residential, 5 acres or more)
• East:	AR-1 (Agricultural–Residential, 5 acres or more)
• West:	AR-1 (Agricultural–Residential, 5 acres or more)



The Proposed Request:

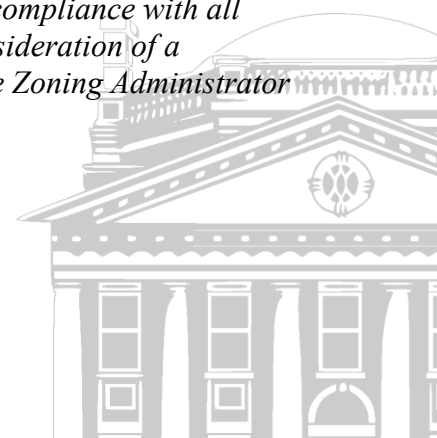
This **variance** request seeks approval for the operation of a residential business on a nonconforming lot. Recent revisions to the Residential Business ordinance now require that any lot not meeting the minimum size requirements for AR-1 zoning must first be brought into compliance prior to consideration of a conditional use.

The applicant is requesting a variance from Section D(e), Nonconforming Property Compliance, of the Residential Business provisions of the County Ordinance:

Nonconforming Property Compliance. Any parcel determined to be a legal non-conforming use, structure, or lot under this Development Code shall be required to come into full compliance with all applicable zoning, development and property maintenance standards prior to consideration of a Conditional Use Permit or business approval by the Board of Commissioners. The Zoning Administrator shall verify compliance status before the application is scheduled for hearing.

Planning and Zoning Services

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Facts and Findings:

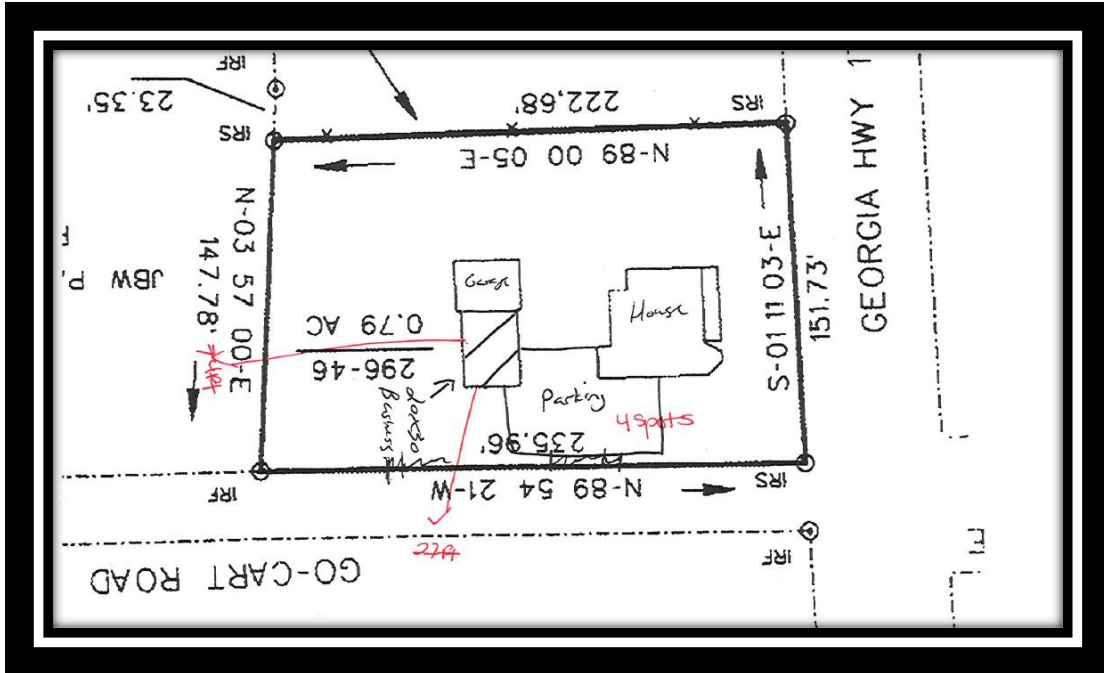
Site Characteristics

The subject parcel contains **0.79 acres** and includes one stick-built home and an accessory structure with access from Go-Kart Road. The parcel is rural in character and contains no known **wetlands, identified floodplains, or environmental constraints** based on County GIS mapping.

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Surrounding Development Pattern

The surrounding area consists primarily of rural residential homesteads and agricultural tracts, as well as commercial properties. Development intensity remains low, with lot sizes generally ranging from 0.5 acres or more.

Surrounding development includes:

- ✚ North of the property are a proposed self-storage facility (B-3) and a proposed veterinary clinic (B-3).
- ✚ Northwest of the property is Pineora Ball Park (AR-1).
- ✚ West of the property is Pineora Baptist Church and residential lots (AR-1)
- ✚ East of the property are agricultural tracts (AR-1)
- ✚ South of the property are residential lots (AR-1).

Zoning Context

The subject property is zoned **AR-1**, which permits certain low-intensity non-residential activities through the Conditional Use process. The parcel is bordered by existing legal nonconforming residential lots of similar acreage. Most surrounding properties are also zoned AR-1. The applicant is proposing to operate a residential business involving limited customer visits within the existing accessory structure.

Infrastructure and Services

The property is served by a **private well and septic**, consistent with surrounding development.

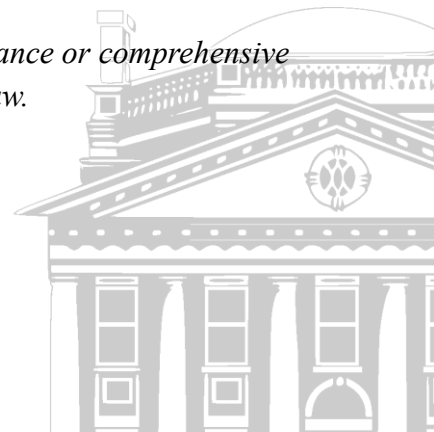
Road Routes: GA Highway 17 South is classified as a major collector roadway and is designated as a truck route within Effingham County. The subject property is located at the intersection of GA Highway 17 South and Go Cart Road, which is classified as a local road.

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.*

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Staff Analysis of Variance Criteria

(a) Public Safety and Welfare

The requested variance is not anticipated to negatively impact public safety or welfare. The subject property is an existing legal nonconforming lot, and the proposed residential business is expected to be of a scale and intensity consistent with the surrounding area.

The operation of a residential business on this parcel is not likely to create significant additional traffic, noise, or infrastructure demands beyond what is typical for residential use. Furthermore, the property can continue to meet applicable property maintenance and operational standards, ensuring compatibility with neighboring uses.

(b) Unique Conditions

The subject property exhibits unique conditions in that it is a legally established lot that predates the current AR-1 minimum lot size requirements. As a result, the nonconforming status of the parcel is not the result of any action taken by the current property owner, but rather due to changes in the zoning ordinance over time.

The inability of the property to meet current dimensional standards limits the owner's ability to utilize the property in a manner consistent with other conforming parcels within the zoning district. This creates a hardship unique to the property because similarly situated conforming lots are not subject to the same restrictions regarding residential business operations.

(c) Hardship

Strict application of the ordinance creates a hardship for the property owner by limiting the reasonable use of a legally established parcel. The subject property's nonconforming status, specifically its failure to meet the current minimum lot size requirements for the AR-1 zoning district, prevents the owner from pursuing a residential business use that would otherwise be permitted on conforming parcels.

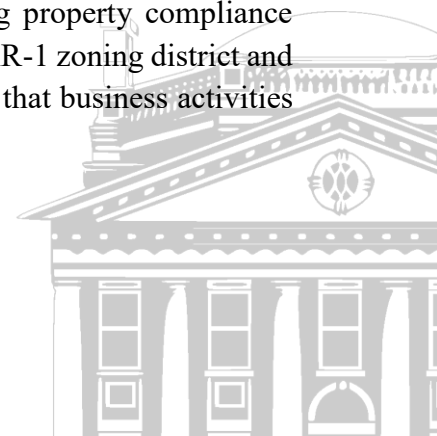
This hardship is not self-imposed, as the lot was legally created prior to the adoption of the current standards. Requiring full compliance before allowing consideration of a residential business may be impractical or infeasible due to the physical constraints of the property, such as its size and established boundaries.

(d) Consistency with the Ordinance and Comprehensive Plan

While the request seeks relief from the strict application of the nonconforming property compliance requirement, the proposed use remains generally consistent with the intent of the AR-1 zoning district and the Residential Business ordinance. The purpose of these regulations is to ensure that business activities

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within residential areas are compatible with surrounding uses and do not adversely impact the character of the community.

The proposed residential business is expected to be of a scale and intensity that is appropriate for a rural residential setting and consistent with the goals of the Comprehensive Plan, which supports limited, low-impact economic activities that allow property owners reasonable use of their land.

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).

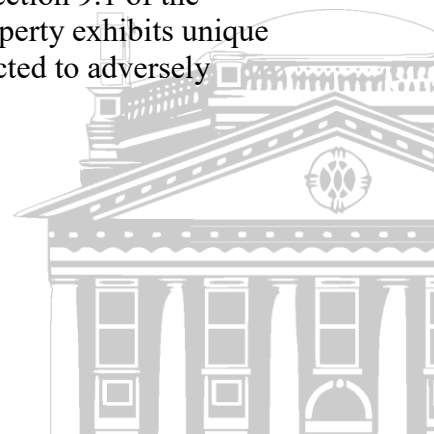


Recommendation:

Staff finds that the request satisfies the variance criteria contained in Article IX, Section 9.1 of the Effingham County Zoning Ordinance. As the hardship is not self-imposed, the property exhibits unique conditions due to its legal nonconforming status, and the proposed use is not expected to adversely impact public safety or welfare.

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