

Subject: Variance (Fifth District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: August 13, 2024

Item Description: **Darrell Boazman** requests a **variance** from ordinance Section 6.2.3, to allow for the reduction in accessory structure setbacks. Located at 109 Lexus Court, zoned R-1. **[Map# 445C Parcel# 98]**

Summary Recommendation

Staff has reviewed the application and recommends **approval** of the request for a **variance** from ordinance Section 6.2.3, to allow for the reduction in accessory structure setbacks.

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.*
- The applicant requests a variance from Section 6.2.3 to allow for the reduction in accessory structure setbacks.
- Per the Effingham County Code of Ordinances, **Part II – Official Code, Appendix C – Zoning Ordinance, Article III – General Provisions, Section 3.3.1 (b) – An accessory structure shall not be less than five feet from the rear property line and not less than five feet from interior side setback lines.**
- According to the applicant, the accessory structure was constructed in 2021 based on initial survey stakes, that were later found to be incorrect.
- The applicant stated that no accessory structure part extends onto neighboring properties.
- After a site visit, the shed is approximately 3.5 feet from the side property line.

Alternatives

1. **Approve** the request for a **variance** from ordinance Section 6.2.3 to allow for the reduction in accessory structure setbacks.
2. **Deny** the request for a **variance** from ordinance Section 6.2.3 to allow for the reduction in accessory structure setbacks.

Recommended Alternative: 1

Other Alternative: 2

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application

2. Aerial photograph 3. Deed