

## Staff Report

**Subject:** 2<sup>nd</sup> Reading Zoning Map Amendment  
**Author:** Teresa Concannon, AICP, Planning & Zoning Manager  
**Department:** Development Services  
**Meeting Date:** January 18, 2022  
**Item Description:** **Marchese Construction, LLC** as Agent for **Toshiyuki Hirata** requests a **variance** to reduce the minimum number of parking spots required for a commercial development. Located on GA Highway 21, zoned **B-3. Map# 465N Parcel # 2**

### Summary Recommendation

Staff has reviewed the application, and recommends **denial** of the request for a **variance** to reduce the minimum number of parking spots required for a commercial development.

### 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 proposed restaurant location is a 1.03-acre parcel. The proposed structure consists of a restaurant and three retail units. Required parking for the proposed development is at least 48 spaces.
- The applicant proposes 32 parking spaces and a drive through lane for the restaurant. A smaller building footprint would require fewer spaces and allow more space to meet parking space requirements.
- The retail portion of the building is 5,125 sf, which requires 17 spaces. The restaurant is 3,225 sf. 78 seats are proposed, which requires 31 spaces + 1 space per 3 employees.
- In neighboring jurisdictions, the parking requirement for retail is 1 space per 200 – 250 sf, which is more restrictive than Effingham County. Restaurant parking requirements are tied to building size or number of seats. Effingham County's requirements are in line with Savannah, Liberty County, and Bulloch County.
- At the December 20 Planning Board meeting, Alan Zipperer made a motion to **approve** the request for a **variance** to reduce the minimum number of parking spots required for a commercial development.
- The motion was seconded by Michael Larson, and carried unanimously.
- At the January 4, 2022 meeting, the Board of Commissioners approved a first reading, with the following condition:
  - Applicant shall provide a plan showing 36 parking spaces.

### Alternatives

**1. Approve** request for a **variance** to reduce the minimum number of required parking spots required for a commercial development, with the following condition:

- Applicant shall provide a plan showing 36 parking spaces.

**2. Deny** the request for a **variance** to reduce the minimum number of required parking spots required for a commercial development

**Recommended Alternative:** 2

**Department Review:** Development Services

**Attachments:** 1. Zoning Map Amendment

**Other Alternatives:** 1

**FUNDING:** N/A