

Staff Report

Subject: Variance (Fourth District)
Author: Chelsie Fernald, Senior Planner
Department: Development Services
Meeting Date: October 15, 2024

Item Description: **Demetrius McNeil** requests a **variance** from ordinance Section 6.2.3, to allow for the reduction in accessory structure setbacks. Located at 203 Cypress Cove Lane, zoned R-1. **[Map# 391E Parcel# 12]**

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 is 1 foot from the back property line and 4 feet from the side property line.
- This variance will be for 4 feet to the back property and 1 foot to the side property line.
- This accessory structure is the structure that is used for the proposed Residential Business.

Determination

Staff has reviewed the application, and if approved, the variance will meet the criteria of the current ordinance.

Department Review: Development Services

FUNDING: N/A

Attachments: 1. Conditional Use application 2. Aerial photograph 3. Deed